AKWESASNE NOTES

Where the Partridge drums

Price: $1.00 Early Planting Time - May 1979 Volume 11 No. 2

RAY SHACKELTON AN
RD 1 BOX 146
BRISTOL VT 05443

A JOURNAL FOR NATURAL AND NATIVE PEOPLES

IN THIS ISSUE:

Native People and the Right to Survive — 4

Haulenosaunee Statement to the World - May 1979 — 7

History Repeats Itself — 8

An Interview With: Barbara Moore, on Sterilization — 11

U.S. Colonialism and the Hopi Nation — 13

The Politics of Energy vs. The American Indian — 20

The Dene Nation — 23

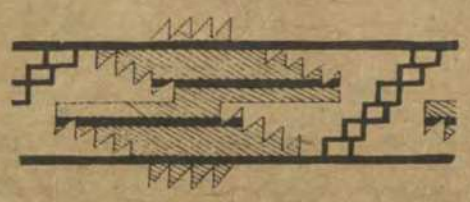
Short notes — 25

Tne Black Hills Alliance — 28

Letters — 30

Books — 31

Poetry — 36



AKWESASNE NOTES

ISSN: 0002-3949

AKWESASNE NOTES is published five times annually: March, May, July, September, and December. It is published by the Program in American Studies of the State University of New York at Buffalo; co-publisher is D-Q University, Box 409, Davis, California.

Editorial and circulation offices are maintained on the Mohawk Nation at Akwesasne, near Hogansburg, New York, and at locations near Rooseveltown, New York, and Malone, New York.

Second class postage paid at Rooseveltown, New York 13683, with additional entries at Massena, New York, 13662, and Utica, New York, 13503.

USPS 956-640

Postmaster: send form 3579 and all correspondence to:

AKWESASNE NOTES
Mohawk Nation
via Rooseveltown, N.Y. 13683
(518) 358-9531

Recipient: Grant from the World Council of Churches Special Fund to Combat Racism (1975), Robert F. Kennedy Memorial Foundation Journalish Award Special Citation (1973), Marie Potts Award of the American Indian Press Association (1972). Member: Alternative Press Syndicate.

This issue printed by M.R.S. Printing, Gouverneur, New York.

The AKWESASNE NOTES People

Diane, Olivia, Velma, Joyce, Leslie, Kaientares, Gai-ha-tah, Keith, Adam, Verna, Wenjie, Bob. Segwalise and Sotsisowah.

Four people passed into the spirit world this Spring who we would like to honor. DeForest Abrams of the Allegany Reservation was a long-respected teacher and spiritual leader, and one of the most knowledgeable pmen among the Seneca people. Alfred Logan was an old friend and a lifelong supporter of the Longhouse. His wife, Lavina Logan, was the spiritual headwoman of the Newtown (Cattaraugus) Longhouse, a powerful woman and her death a great loss to the people. James Thomas of Chitek Lake (Sask.) was a powerful medicine man, a true follower of the Cree Ways, and an inspiration to many people over the years.

Jack Schwartz, an attorney who has been active in Native affairs and especially in the defense of activists, says he is available for cases, trials, articles, investigations, lectures and so forth – location unimportant. People wishing to contact him will find him at 6335 SE Morrison, Portland, Oregon 97215. (503) 233-0838.

MONEY ISN'T EVERYTHING, BUT ... it helps to keep a newspaper going. Our costs are going up like everything else, but donations are not keeping pace with the cost increases. If you're one of those people who have been meaning to send us some money but just haven't gotten around to it, please, do it today so that we can keep producing this newspaper. Total costs of this issue will exceed $14,6,000.

A NEW WAY TO HELP NOTES

Your contributions to AKWESASNE NOTES can now be ttax-deductible. The Youth Project of Washington, D.C., a public foundation under 501-C-3 of the Internal Revenue Code has agreed to take NOTES under its wing as a research and educational project.

If you would like to support these efforts and receive the benefit of a tax-deductible contribution you check should be made out to Akwesasne Notes/ The Youth Project, and sent to us here at NOTES.

You will receive a letter of receipt that you can keep for your income tax records.

We still do not accept government funds, but we urge you to take advantage of this opportunity to help our message grow.

HOW IT IS WITH US

We've never gotten a complaint that AKWESASNE NOTES is too short. We've had complaints that it's too long, and somebody once wrote that they found parts of one issue b-o-r-i-n-g, but, as far as we can remember, no one says it's too short. And a lot of people do marvel at all the stuff that goes into the newspaper. Coming from the news assembly end, we'd like to tell everybody that there's a lot of important news that we would have put into this issue, but there wasn't room.

People who are thinking that they would like to help NOTES survive could probably do thtat in a number of ways. Encouraging people to send donations would help. And arranging for stops for our travelling group Voices From the Earth in the Fall would help too. We'll get by with a little help from our friends.

People everywhere are become more aware and more alarmed at the events they see around them. Our travelling group held a program near Harrisburg last year. After the accident at Three Mile Island, we received quite a few letters from there. The people are afraid, and their fears are well-founded. The Harrisburg incident was significant because it was well publicized. There have been more serious accidents, especially in the Soviet Union. People are thinking about s some of the things that we talk about. There will be other Harrisburgs.

By the time you read this, we will be thinking about what will go into the next issue. The coming months promise to be a time of great activity – people coming together, organizing, learning, supporting one another, teaching. The pace of development is picking up rapidly, and so, too, is the struggle to survive.

This issue has an optimistic feel to us. The problems are still here, and as serious as ever. The destruction continues, the ways that we support are under attack. But there is a feeling – if only a feeling – among many of the people we touch. There is a possibility that Native people may become increasingly recognized in a practical way as lep potential legitimate leadership in the struggle to support life. At the Black Hills Alliance Conference, that possibility surfaced, and again at Grants, New Mexico. In California, former AIM personality Dennis Banks gave an address to some 25,000 at an anti-nuke rally. These are not overwhelming signs of change, but they are signs nontheless.

AKWESASNE NOTES people will be at some of the events in the coming months. There aren't that many of us, so we won't make it to everything, but we will be to some of them. That means, essentially, that we won't always be at our home base. In order for us to be able to cover stories, we need to be where it is happening, so we'll be travelling a lot. Because of that, we are not going to encourage a lot of visitors to the mountainns at Owl's Head during the summer months. You can't visit us when we ain't there.

AKWESASNE NOTES has grown in recent years, not only in circulation, but in other ways too. Each of these issues represents our effort to provide people with the best available material on the situation of Native peoples. In the Native world, we have become a kind of paper of record. It is a great honor, and a great responsibility, an an enormous, sometimes exhausting, amount of work.

We try to report the news of the Natural world and its peoples in the Western Hemisphere. Some of the events that we report are terrifying, and a lot of it is depressing, and we feel the weight of it each time that we go to press. There is another side of it, too. We are striving to put forth the story of peoples struggling to survive, and struggling to inspire others to survive.

To that end, this work is also a great privilege.

YOU ARE ON INDIAN LAND

A radio program series produced by AKWESASNE NOTES won much aclaim when aired by 200 National Public Radio stations. The following nine cassettes are programs from that series. We are continuing to make available materials for your class, school, library, or for your personal invormation. Tapes available Jan. 1, 1979.

Statement From the Longhouse

An official statement of the traditional government of the Mohawk Nation at Akwesasne. Akwesasne is located on the St. Lawrence River. It borders Canada on one side, and the United States on the other. This tape was recorded during an interview granted to CBC. Mohawk leaders speak on the issue of sovereignty. One of the Mohawk sub-chiefs speaks of the importance of nature and the rights of all people to follow their original instructions. Also included are highlights of a short speech by Buchanan of the Black Resource Center in Bisban, Austrailia, which gives an introduction to the situation of Native people in Austrailia.

Natural World Principles and Treaties

Oren Lyons, Iroquois statesman from Onondaga, talks about living in the natural world and the importance of the treaties in the survival of the natural world. Highly recommended.

Wounded Knee Epilogue

Comprehensive overview of the 1973 Wounded Knee controversy and subsequent trials. Included are reports from inside the occupied village, and at trials with key figures – Mans, Banks, Moves Camp, and the lawyers. For this program Kevin McKiernan of Minnesota Public Radio received first place in the 11th annual Armstrong Awards for excellence in programming.

I Am Native

natural people of Aztlan, talks about being "Chicano," and about finding his direction. "You never can be free being something you are not." Includes 2 poems plus music from the Mestizo album.

Dene Nation

Natural world leaders along the proposed route of the Mackenzie Valley pipeline address Canada's Berger Inquiry about the wide-ranging effects of the most expensive and destructive project ever undertaken by Canada. Also highlights Native folk singers and their songs about their land.

Contributions of Native People

Tehanetorens (Ray Fadden) gives a talk on the many contributions the Native people have given to the world – an excellent broad perspective of the misconceptions that non-Indians too often have of Native peoples. Fine material for young people in the process of unlearning Indian stereotypes.

Alcatraz Is Not An Island

Mohawk Poet Peter Blue Cloud looks at the 1969 occupation of Alcatraz in retrospect. Blue Cloud edited the book *Alcatraz Is Not An Island*, and remembers Mohawk leader Richard Oakes. Highlighted by Oakes' speech explaining that the occupation of our lands is an extension of the Alcatraz Island occupation.

God Is Red

Vine Deloria Jr., noted Lakota philosopher, author, and attorney, speaks on the importance of Native religious values for the Native movement and the future of North America. He offers an alternative to Christianity through a re rn of Native concepts of nature which have roots in this land.

History of the Iroquois Confederacy

Tehanetorens, founder and director of the Six Nations Museum in Onchiota, reads a beaded belt explaining the history of the Six Nations – the first true democracy which the United States constitution is based on.

Price: $5 ea., $38.00 per set of nine. Order from AKWESASNE NOTES

BACK ISSUES FOR $6

The entire set of available back issues of AKWESASNE NOTES is available at $6.00 per set. There are, as supplies hold, approximately twenty-four issues of the newspaper in each set.

Early issues of AKWESASNE NOTES are no longer in print, and our current stock is dwindling. Therefore, we make this offer to people who may have a need of this invaluable repository of information.

HOW TO SUBSCRIBE TO THIS NEWSPAPER

Just write to us, and we'll add your name to the mailing list. There is no fixed subscription price–but that does not mean the paper is free. Printing alone for this issue will cost over $6,000, and rising postage costs will come to about $4,000. And there are other expenses – typesetting equipment, typewriters, ribbons, paper supplies, etc., and that doesn't include costs for bare subsistence for our full-time volunteer staff. We are not funded by universities, governments, or even advertising.

Our money comes from our readers, most of it in small donations such as $1, $5, $10. Some people have lots of money, others have none – we ask people to do what they can. If you want the paper, we're glad to send it to you. If you want to help with the costs, we will appreciate that – your help will assist us in continuing our work.

Another issue will be ready for mailing as soon as funds for printing have accumulated.

THINKING ABOUT MOVING? JUST MOVED?

Let us know right away so we can change your address. If you are not at the address on our list, either the paper will be forwarded at a high cost to you, or it will be destroyed and NOTES will receive a notice for which we have to pay 25 cents. More than five percent of our readers move between issues, and it would mean more than $700 cost to us, plus the loss of more than 3,000 newspapers. Please be sure to send in your old address or an old address label when you send us your new address. That way, you won't be sent two copies, and neither you nor us will need to pay any extra postage.

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KEEP US STRONG!

According to our own estimates, AKWESASNE NOTES is read with interest by over 100,000 readers each issue, and probably reaches conservatively three or four times that number. NOTES is the largest and fastest growing Native newspaper in North America, and we believe that it may be the largest authentic Native publication in the Western world. We are active, and we are growing, we think, because we are serving a unique purpose – to bring to our readers an understanding and a vision of the world which has been all but forgotten by Western Man, and thus inevitably ignored by other publications.

To that end, our writers explore many aspects of concern of our times, from issues usually associated with ecology, to issues dealing with political repression, movements, alternative technology, self-sufficiency, and social analysis. In addition to these objectives, NOTES is also one of the leaders in the publication of Native poetry and is one of the centers of Native art production and distribution. NOTES is more than a news magazine – it is an exploration of Twentieth Century society, a view of these difficult times.

People from all walks of life read and correspond with NOTES. The success of our effort depends on the responses of our readers. We constantly need news clippings of events in Indian country and around the world – the kind of news people should know about. And, of course, we always have a use for photographs, recordings of taped interviews or speeches, and articles which people feel may be of interest to an international audience. Helping NOTES to grow is a way of helping many people gain in consciousness, and reading NOTES is a way of supporting your own personal growth.

We would like to have many more readers of NOTES. You can help this paper grow by encouraging your friends and acquaintances to read some of the articles you think may interest them. NOTES is not simply a Native newspaper – it is a newspaper which has a message for all peoples who are striving in some ways for a better future.

Ours is a most difficult task, for we are trying to help people who have some kind of interest and concern for their people to understand and to unite with other peoples who have what appear on the surface to be separate and different concerns. We believe that the concerned people can come to one mind about their concerns, and we would like to be a part of the process which may help this to happen. But we are, after all, only a newspaper, a reflection – you, the reader, are a participant in the processes which make the kind of life we and our children will lead in this world. We offer our work as a tool in your work – help us grow so that NOTES will be a stronger tool. Promote NOTES – tell people about it, generate interest in the issues we cover. In that way, we will all grow stronger.

MICROFILM

AKWESASNE NOTES is available on microfilm and microfiche from a number of sources:

University Microfilms ($4.60 and $6/year)
Ann Arbor, Michigan 48105

Microfilm Corporation of America
21 Harristown Road
Glen Rock, New Jersey 07452

KTO Microform
Kraus-Thomson Organization Ltd.
Rte 100
Milwood, N.Y. 10546

Wholesale

AKWESASNE NOTES is proud to offer what is probably the finest line of authentic Native crafts available anywhere in North America. Of special interest is the line of hand crafted baskets made of black ash splints and sweet grass. Mohawk basket makers are world famous for their excellent craftsmanship and produce baskets of a quality unsurpassed at any price. These baskets are authentic products made for practical use and the pack baskets, especially, are light-weight, sturdy, and in every way superior to any of the back-pack apparatus made of canvas or aluminum. Other baskets which are available include corn washing baskets, storage baskets, and fancy ewing baskets. There are also kettle baskets, pin cushions, and strawberry baskets.

In addition to baskets, we carry a fine line of beaded moccasins, earrings, necklaces, hair ties, chokers, and other products. Most of these products are one-of-a-kind items. A typical wholesale order would have a retail value of $133. Your price would be $100 plus a few dollars shipping. Order from: Kaientares

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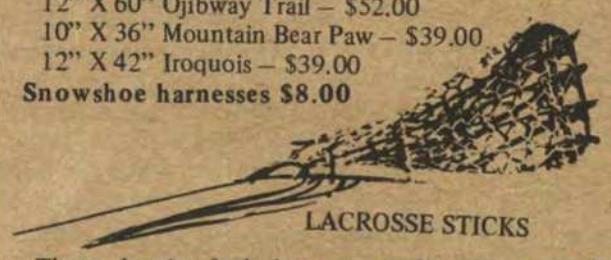
12" X 42" Iroquois – $39.00
Snowshoe harnesses $8.00



LACROSSE STICKS

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We are featuring the pro leather stick – order no. 461106 – at $29.00 each. Include a small fee for shipping charges and insurance. For our friends who want a sample of these fine sticks, we are featuring a 12" MINI STICK (a souvenier lacrosse stick), order no. 461198 for $4.00 each. Order from:

Insurance and Shipping charges not included

NATIVE PEOPLE AND THE RIGHT TO SURVIVE

(This article was compiled from notes from two addresses delivered by John Mohawk as a part of the Akwesasne Notes' Speakers' Bureay program. John Mohawk is the editor of AKWESASNE NOTES.)

In New Mexico, an elderly Navajo woman gazes past her corrals towards the roads which cut across her lands to the uranium deposits in the distance. In the cities of the Northern Great Plains, people gather in small groups to discuss problems as varied as political prisoners and sterilization abuse. In the State of Washington, yet other people meet to discuss their problems with state authorities and the fishing industry, and in the Northeast, the people meet to discuss land claims, water pollution, and nuclear power plants.

Meanwhile, around the United States, groups of non-Indians are organizing protests against the dangers of the Nuclear Fuel Cycle – protests which were intensified this Spring by a major nuclear incident at Harrisburg, Pa., and stimulated by a coincidental movie, "The China Syndrome." As difficult as it may be to believe, the Native people and the anti-nuclear people may have a great deal more in common than immediately meets the eye. Something may be beginning during this quarter century which hasn't truly happened for a long time, but it may be something of almost earth-shaking significance.

It should be clear to anyone familiar with the history of United States - Indian relations that it is U.S. policy to destroy the Native peoples as peoples. U.S. law and policy has made some room for the idea that Native people may have some (albeit limited) rights to property, and they may have some rights to a "religion," maybe even some theoretical rights to a "culture," by whatever vague definitions those terms are interpreted. But the U.S. has never recognized Native rights to be a distinct people.

The policies of the U.S. and their English-speaking forebears has been characterized by a consistent denial of the rights of Native peoples to exist. Even into the 20th century, we still find policies which remove Native children from their families and communities, promote sterilization of Native women, practice forced acculturation through alien school systems, and implant foreign systems of government in the Indian country to legitimize the alienation of the land base and to destroy the existing social order.

All of those are acts and policies which have the net effect of destroying the Native peoples as peoples. They have been acts which have inflicted and which continue to inflict untold misery and suffering upon hundreds of thousands of innocent victims.

The destruction of Native peoples as peoples is part of a much larger program of the United States. It may not be possible, in the long run, to bring the outrageous wrongs done to the Indian peoples to bear on the conscience of the vast majority of the American population, because only a very small percentage of the American people seem to be capable of understanding the immensity of the crime of destroying the spirit and physical reality of a whole people. Some Americans are capable of understanding the process in terms of the effects of U.S. policies in terms of race, others see it in terms of the destruction of a groups property rights, and a few are offended that the policies destroy families. A smaller number of people are alarmed at the fact that these same policies will almost certainly destroy the remaining Native cultures, just as similar policies have already destroyed dozens – perhaps hundreds – of Native cultures in the past. The history and present conditions of Native peoples is a dismal tale indeed. Most of our nations face extinction as peoples during this century.

It doesn't even seem to help that, by and large, the international community has adopted a morality which holds that it is a violation of human decency and the spirit of international law for a nation state to commit acts which are intended to destroy groups of national, ethnical, religious and/or religious identity. Dr. Richard Arens, a professor at Temple University Law School, recently stated that the international compacts on genocide forbid acts which result in physical or mental harm to "groups," – peoples such as Native peoples. Governmental policies which are designed to destroy such peoples are clearly contradictory to the spirit of such international conventions.

The United States, through its representatives to the international community, simply denies that it commits any acts of genocide. How they can do this with a straight face is simply incredulous. They would deny that their policy since 1784 has been the destruction and absorption of Native peoples? Would they deny that they have policies which take Indian land, Indian children, and which have as an expressed purpose the dismemberment of Native communities? The representatives of the United States would tell you that things have changed since Colonel Chivington and his "troops" butchered innocent women and children at Sand Creek – things are getting better.

The destruction of Native Peoples, as Peoples, is part of a much larger program of the United States.....

It is possible to agree that things have changed, but it is highly doubtful that the prospects for the survival of Native peoples, as peoples, are getting any better. The single prospective positive change on the horizon – the one which offers some faint glimmer of hope, hasn't even begun to penetrate the marble halls of government. But that possibility of change has made its first faint appearance in American culture. It could signal the most profound change in many centuries.

Four or five centuries ago, when European peoples first came to the Americas, changes in cultures were triggered which were to alter the course of history. The Medieval adventurers who sought trade routes to the Orient belonged to a culture which even most Europeans have difficulty recalling. The Spanish and English of the early 16th century had evolved a culture which claimed that all the knowledge of the world was contained essentially within two sources – the Bible and the philosophies of Aristotle.

When the Spanish first returned to Europe with tales of landings in strange lands, it was several years before it became widely believed that what had been found was actually a new land – a New World. Columbus thought thaat he had discovered India – he called the people Indians – because it was widely believed that the "known world" was the whole world. To suggest that a continent and a people existed that were not mentioned in the Bible was something akin to heresy, and the customs of the time dealt harshly with heretics.

Soon enough, however, it became obvious that the Americas were indeed a new world, a world not described in either the Bible or the wisdom of Aristotle. That discovery set off events of enormous impact in Europe.

American Indians were not supposed to exist, but there they were, undeniably real. Frantic Biblical scholars sought to prove that the Indians were a lost tribe of Israel in an effort to preserve the spiritual and moral universe of the Medieval world. It was a theory which would be found in scholarly works into the 20th

century and one which was revived by Joseph Smith and incorporated into the Book of Mormon.

But the psychological universe of the Midieval world was doomed. Something began to happen in Europe following the discovery of the Americas – there occurred on a massive scale what can only be described as a crisis in faith. It didn't happen overnight, but happen it did. The Americas (and the Indians) were living proff that not *all* knowledge lie in the Bible, that neither the Bible nor the Pope were infallable. The Age of Reason was upon the world, and things would never be the same. All over Europe, groups arose proclaiming themselves to be agnostics and even athiests. Martin Luther tacked his 96 thesis to a chapel door, others scanned the heavens with telescopes, and the Puritans fled Amsterdam so that their children would not be corrupted by the liberal thoughts of their Dutch neighbors.

The discovery of the Americas led to great changes in European thought in other ways also. European traders and missionaries, especially the French and English, h, travelled among North America's Native nations, most notably the Algonkians and the Iroquois. Jesuit missionaries partially financed their exploits through writing what were received as adventure stories, *The Jesuit Relations*. On at least several occasions, the early Jesuits saw Nataive people in a very favorable light. Jesuits reported that Natave people had no recourse to falsehoods, and that they were generally open and generous to a fault.

A few of them saw Native people who valued human relationships far above material things, and they recognized that here was a whole people who practiced the spirit of the teachings of Jesus as they – the Jesuit missionaries – understood those teachings. And they realized, too, that a people of such "nobility" – (the term "noble savage" arose from that experience) could not survive in the Modern World. The early Jesuits feared that Native people could only be corrupted and destroyed by contact with civilization. Their writings stirred the imaginations of European peoples, and set the stage for an image of Native peoples which persists to this day.

English-speaking missionaries, on the other hand, viewed Native people quite differently. A number of them came to the Americas to escape the ravages (as they saw it) of the Modern World in their homeland, and to preserve the morality, at least, of Medieval Europe. They practiced a fundamentalist (literal) interpretation of the Bible, and saw the Native people as "demons of the forests," messengers and cohorts of the Devil who must be destroyed at all cost. Suffice it to say that the annihilation of the Indians of Massachusetts and Connecticut also left the pious followers of God in possession of vast amounts of Indian land. Increase

Mather and his followers set to the task of putting to the sword all those Indians within reach, and English colonists generally carved a history of blood and gore from the Atlantic seaboard to the Appalachian Mountains and into the valleys of what is now called New York State, where they encountered the military organization of the Six Nations.

The mingling with Native people was to continue to have profound effects on European thought. French explorers in the Algonkian country returned home with stories of the egalitarian societal organization of the Indians which would later have great influence on the thinking of such men as Montaigne and Rousseau. English colonists (most notably Benjamin Franklin) attended meetings with the Iroquois and were impressed by the concepts of balance of power in government and learned much about principles (if not practice) of democracy. In fact, there is much evidence to suggest that much of the U.S. Constitution was based on organization principles learned from contact with Native peoples, especially the Iroquois.

Later, Louis Henry Morgan would write a treatise on aboriginal housing using the Iroquois model, and that work would inspire one Karl Marx and a fellow by the name of Frederick Engels to put forth thesis about the concept of classless society. The Native people, directly and indirectly, had great impact on the course of European culture — far greater than is generally understood.

Science became a religion which was eventually rivalled by no others... .....

While all that was happening, the belief system of Europeans was changing radically. If in the 15th century eminent scholars could engage in serious debate over how many angels could rest on the head of a pin, by the 19th century philosophers were debating the morality of a fairly new religion — science. The endless Sunday sermons of the Protestant preachers were increasingly supplemented during the week by lessons in reading, writing, arithmetic and science. By the middle of the 1800s, engineering had become a respectable occupation.

Science became a religion which was eventually rivalled by no others. Within a hundred years of the general acceptance of the steam engine, more people believed, truly believed, in the principles of chemistry than adhered to any particular sectarian Christian religion. With the widespread advent of compulsory education in the Christian world, science (and even "social science") effectively replaced most of the beliefs about the nature of the world which had been held by Medieval peoples. Christianity survived because it adapted, but the system of belief known as science and technology flourished, and continues to do so.

That science and technology became belief systems (and not purely disciplines) is still only vaguely understood. As European technology promoted (in fact required) rapid expansion into every corner of the globe, there arose expectations that in Science and Technology — man's systematic manipulation of Nature — lies all hope for the future. When the forests grew thin, technology provided cheap and plentiful coal for home heating. When the coal became almost unbearably dirty, technology provided oil and natural gas. The process led to the discovery of nuclear power — the promise of continuing supplies of power when the oil and gas run out. Cheap and plentiful fuel forever was the promise of Nuclear Power in the 1950s.

Today the Navajo people are witness to the invasion of their lands and the destruction of their Way of Life in the name of that brand of progress. Millions of Americans sat at their television sets in the Spring of 1979 and watched the plumes of steam rise from a disabled nuclear reactor at Harrisburg and wondered, many for the first time, where this road goes. The Navajos at Crownpoint, at least the traditional Navajos, already know where it goes.

In Spain, miners used to take caged canaries down into the mineshafts. When the canaries fell dead, the men scrambled out of the mine, knowing that invisible odorless gases were present and that those gases were

ALL THE LATEST DIGGS

deadly.

The Native people, through no fault of their own, are functioning as the miners' canaries of the world. They have been the first victims of every technological disaster. They were the first to suffer (in North America) from mercury poisoning, arsenic poisoning, fluoride poisoning, and a host of other similar problems. The Navajo and Laguna Pueblo miners who have died and are dying of lung cancer are the first victims of the Nuclear Fuel Cycle.

It is an irony that the traditional Native people have never shared in the European belief systems and they certainly do share an experience that the blind belief in technologies will destroy, not save, the peoples of the world, that kind of thinking today is a kind of heresy. There continue to be arguments in Western culture about religion — the nature of God, the interpretation of scripture — but there are few who question the dogmas which surround science or technology. The vast majority of Americans believe with an ardor that can only be described in terms of "faith" that the salvation of the world lies in the hands of scientists and engineers working under government supervision.

Whether or not science and technology produce benefits for humanity is not the question at hand in the 1980s. All peoples have developed technologies of one sort or another, and many technologies have been beneficial to humankind, even Western technologies. What we are facing at the present time, however, does not involve the pros and cons of theoretical or applied science. A whole culture has been propagandized to the belief that all technological innovation is inherently "progressive" (good), and that development of non-renewable resource technologies will produce new sources of evergy and resources which will raise peoples' standards of living and health prospects into the future. That belief, which is undeniably the liturgy of high school science classes and mass media science fiction programs, is hardly scientific. It is a belief based far more on faith than on experience.

The single most impressive experience of our time, an experience which is beginning to be shared by a broad base of Americans, is that some of those technologies are dangerous, and that some government officials and scientists have not been telling the truth about just how dangerous they are. In fact, it is beginning to be understood that they really don't know how dangerous they are.

Defenders of the faith point to the fact that the nuclear proponents in the West are driven to promote that form of energy production by the desire for profits, and that view is certainly correct, as far as it goes. But it doesn't go far enough. Profit motivation will explain the actions of the industrial giants, but it does not explain the very widespread support for nuclear power among the general population, and that support remains considerable even following a near-disaster such as Harrisburg.

Proponents of alternate technologies argue that there are safer ways to produce energy for the Americas, and that is true but only in a limited sense. Alternative technologies, at least those presently available, can produce power, but not in the quantities presently consumed in North America.

Nuclear power has offered something that alternative technologies haven't been able to offer, for nuclear power has given an entire people a source of hope and inspiration. A lot of people have wanted to believe that (nuclear power) is the answer to the problems of the 1980s. That belief has suffered a serious setback in recent months.

To a considerable extent, however, nuclear never was the answer to the problems which loom ahead. Thus far, nuclear power has been seen as a way to meet massive needs in the area of electricity. The future need for electricity, however, is only one of the problems.

Almost everyone has agreed that the amount of oil in the world is finite, that it is running out (or will run out sometime.) and that new sources of power must be found. But most of the West has failed to appreciate the full gravity of the fundamental problems which the diminishing oil supplies present. Basically, America is founded on petroleum, and that fact has only barely struck home.

Petroleum products (along with natural gas) provide much of the fertilizer which helps to produce the food in the grocery store. Oil powers the tractors that cultivate America's gardens, and it provides many of the insecticides and herbicides that make possible modern agriculture. For the most part, oil products power the machinery that harvests the food, and the machinery that transports it to processing plants where other oil products very often play a role in the processing of that food. The food is then packaged in an oil-based wrapper (probably plastic) and shipped to market in an oil-fueled carrier. From the seed to the plate, oil plays a vital role in America's food culture. Even a considerable amount of the electricity which operates the stove is produced by oil-fired generating plants. As oil becomes more scarce over the decades ahead, food production and distribution technology will need to be developed to find replacements for that oil. Even if ways were found to generate unlimited amounts of electricity, America will face enormous problems of production when the oil runs out. Electricity will not fertilize a field or keep the bugs and blight away. It is doubtful that electricity can provide practical transport for many products, either.

The popular belief at this moment is that, even failing the development of nuclear energy, coal will do all the things oil will do. But coal also presents some very difficult technical problems. First of all, coal mining is pretty dangerous. Then there is the problem that runoff from coal mines pollute ground water. And, of course, digging up the coal often destroys the land. But the biggest problem is that coal is dirty. When coal burns, it emits great amounts of sulphur, and that sulphur turns to acid in the atmosphere which returns to earth in the form of acid rain, a serious pollutant. Processes for coal liquification and gasification are not yet perfected and are not economical. A few dissident scientists have been saying that the problems with coal will never be resolved, that coal is an extremely dangerous route to take, and that if the present consumption of energy were supplied by coal immediately, within a few years the world's oxygen supply would be seriously depleted.

A diversified energy program makes more sense, and there are clean, safe ways of producing energy, to be sure. But the bad news is that there are no clean safe ways of producing the amounts of energy presently consumed in the Northern hemisphere.

While the search for an energy "Horn of Plenty" goes on, the ravages of past technological excesses are beginning to come to bear on the American public. It is widely known that chemical companies have dumped toxic waste all over North America, and that those wastes have begun to pose a serious danger to peoples' health. It is true that those excesses were spurred by the corporate thirst for profits, but in the long run, it will be

...A whole culture has been propagandized to the belief that all technological innovation is inherently "progressive" (good)..... .....

seen that the failure to clean up those wastes produced cheaper consumer goods, and that the chemical dumps were a way of deferring the total cost of those goods to

future generations. America has been borrowing the products of its present and past prosperity against the health and labor of the people of the future. The ecological bank account of the last forty years isn't balanced. For the most part, people don't even realize that "bank account" exists. But it does.

..When the concept of a spiritual politics begins to rise among those people - then will real "progressive" change begin.....

If the rules of the game were such that every product produced by U.S. industry carried within it the price tag for cleaning up all the waste by-products involved in its production, Americans would find that they cannot afford the price. If the bill for the cleanup of all the agricultural runoff was included in the price of food, no one could afford to buy food. If the total cost of an automobile included the cleanup and restoration of the land from which the coal and iron ore came, the filtration of the gases from the smokestacks of the foundries, and the removal of pollutants from the waters which result from the production of the automobile, virtually no one would be able to afford it.

In the decades ahead, that bill is going to be coming due. While Americans were growing fat, the land and forests were growing poorer. The amount of agricultural land destroyed each year as a result of the industrial process and expanding suburbs is enormous. The rate of the deterioration of the American forests due to air pollution and acid rains is one of the least-known horror stories in the Americas. But these things are beginning to become known.

The argument here is not against science and technology, as a lot of people must assume. What I am saying is that most people have accepted a belief in the miraculous powers of science and technology which leads them to expect that all the problems of the present and future will somehow be resolved in the wave of a sliderule. We may already be at the edge of a period of time when that faith will be severely shaken by the events.

Most people now realize that the nuclear proponents haven't told us the full story, and the American public is beginning to discover that nuclear power's problems are only the tip to the technological iceberg. It is enough to suggest that we could be entering another of those periods in which people experience a crisis in faith. The high priests of the industrial religion, it will be seen, are not only failing to tell us everything, but the fact is there is a lot about the world that they simply don't know. And when the high priests don't know what they're supposed to know, people tend to lose faith in them.

The industrial religion has been at the root of the genocide against Native peoples throughout the world. Just as the missionaries of the 18th century sought and carried out the slaughter of Native peoples in the name of the moral commandments of God, so do the new missionaries of the 20th century seek the destruction of Native peoples in the name of "progress," "education," "economic development," and "energy policy."

Just as a whole society once lost faith in the teachings of Aristotle and the scriptures as the fountainhead of all knowledge, American society today could well lose its faith in that "religious" faith which holds that massive energy technologies and massive industrial development are the keys to the salvation of the peoples of the world.

There seems to be a potential at this time for some new revolutions in thought. The Native cultures offer a kind of process which stands in stark opposition to the materialism of the West. Native spiritualism is the worldview which places a subjective interpretation of the human relationship to the Natural world Native spiritualism carries within it an understanding that all forms of Life are sacred and require a great deal of human support, and that in the absence of that support, all Life will suffer, including human Life. Trees, to the Native people, are living and valued beings, and not so many boardfeet of lumber.

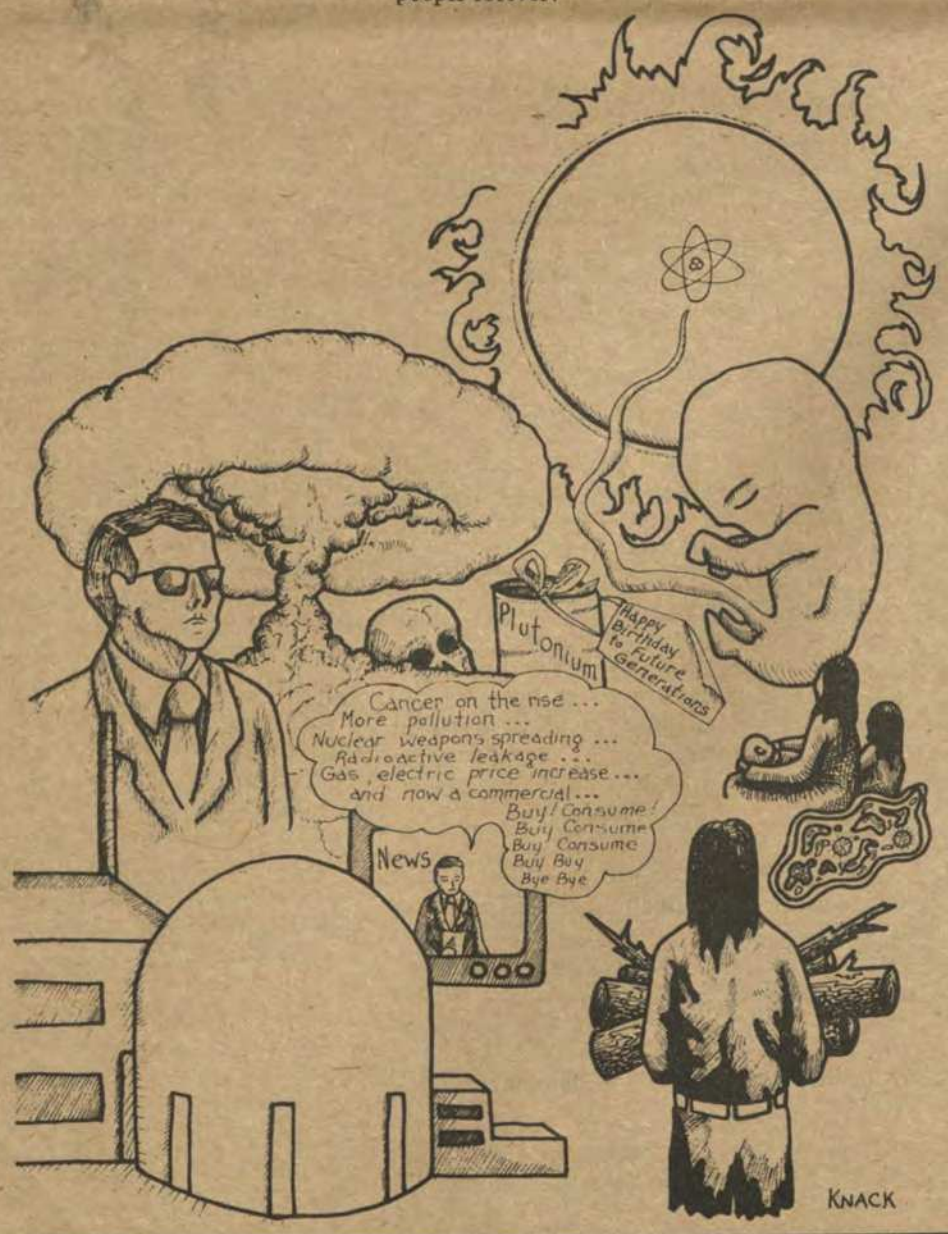
As much as anything else, materialism has brought Western man to the brink of ecological disaster. That materialism has deep roots in the West – it emerges from the earliest pages of European history and it spans the life of Christianity. Since time immemorial in the West, living things and the things that support life (water, plants, etc.) have been viewed as objects to be transformed and consumed.

The Native people have a potential to bring a consciousness of an alternative way of relating to the world. The traditional Native peoples need the support of those who understand the grave conditions of our time, if the process of the rape of the land, and the people who inhabit the land, is to cease. And the West, equally as desperately, needs a new vision of the future which includes a promise of the survival of the species. The first step in the battle for the survival of the planet, especially in the area of the nuclear fuel cycle, requires that the rights of the traditional Navajo and Laguna peoples to survive as peoples be supported and recognized, and that the policies of cultural and physical genocide be stopped.

The problems at hand are not whether an Indian "group" gets enough money for their coal or oil, but rather that these Native people will be able to survive on their lands as a people. The BIA and the 1934 Reorganization Act governments do not generally represent that interest – only the traditional Native peoples do. Those traditional people have almost with one voice opposed further mining development and industrial development because those things will destroy them as a people. There is no real materialist analysis to that position, no dollar value to be negotiated. Their only concern is their survival as a people – it is a spiritual kind of concern.

The belief system of the American public seems destined to change in the coming years, especially the blind belief in the inherent "good" of all innovative and consumption-oriented technology. When the concept of a spiritual politics begins to rise among those people – when Western peoples begin to look to Native peoples and Native values for leadership and inspiration – then will real "progressive" change begin. Until then what we will see are the politics of price and not of policy: How much is the uranium worth? How much for that water? What is the proper price of your labor? What price the quality of life of your children and grandchildren? How much do you wish to be paid for your destruction as a people forever?

"The destruction of the Native cultures and people is the same process which has destroyed and is destroying life on this planet... And that process is Western Civilization."



HAUDENOSAUNEE STATEMENT TO THE WORLD – MAY 1979

(The following statement was passed in the Six Nations Council on April 29, 1979, as the beginning of an environmental statement of the Hau de no sau nee. Our readers, other publications and interested groups are asked to give this the widest circulation possible – Ed.)

The Haudenosaunee, or Six Nations Iroquois Confederacy, is among the most ancient continuously operating governments in the world. Long before the arrival of the European peoples in North America, our peoples met in council to enact the principles of peaceful coexistence among nations and the recognition of the rights of peoples to a continued and uninterrupted existence. European people left our council fires and journeyed forth into the world to spread principles of justice and democracy which they learned from us and which have had profound effects upon the evolution of the Modern World.

This Spring marks the bicentennial of the Clinton-Sullivan Campaign, an invasion of our territories during the American Revolution which was intended to destroy the Haudenosaunee as a people. In their wake, the American armies left a "scorched earth" path of frenzied destruction through our lands, leaving behind only ashes as they retreated from our territories. So fierce and malevolent was this action, that they ravaged cornfields, girdled fruit orchards, tortured and murdered Native women, and killed every living thing in their path.

It was the intention of the U.S. armies in 1779 that the Haudenosaunee be destroyed to the last man, woman and child. To that end, they waged war against our civilian populations, and it is clear in our minds that they were interested not merely in our political and military defeat, but would rest at nothing short of the total annihilation of all that exists of the Hau de no sau nee. We have survived that attack, and many more since then, but now we are seriously alarmed at the events which have taken place over these two hundred years.

Brothers and Sisters: When the Europeans first invaded our lands, they found a world filled with the bountiful gifts of the Creation. Even the soldiers in General Sullivan's army were awed by the country they had entered, a land where a man could walk all day without seeing the sky, so rich and healthy was our forest. It was a land where the nearest branch of the trees stood fifty feet from the ground, and the trees were so great that three men holding hands could not embrace them. Sullivan's soldiers' words record what we would have told you – that the rivers ran so thick with fish that sometimes even in wide streams a man could not see the bottom.

Everywhere the game was plentiful, and sometimes the birds darkened the sky like great clouds, so great were their numbers. Our country teemed with elk and deer, bear and moose, and we were a happy and prosperous people in those times.

Brothers and Sisters: Our Mother the Earth is growing old now. No longer does she support upon her breast the teeming herds of wildlife who once shared this place with us, and most of the great forest which is our home is gone today. The forests were butchered a century ago to make charcoal for the forges of the Industrial Revolution, most of the game was destroyed by sport hunters and farmers, most of the bird life has been destroyed by hunters and the pesticides which are common this century. Many of the rivers flow thick with the effluence of great population centers throughout our country. We see that the "scorched earth" policy has not ended.

Brothers and Sisters: We are alarmed at the evidence that is before us. The smoke from the industrial centers in the Midwest and around the Great Lakes rises in a deadly cloud and returns to earth in the form of acid rains over the Adirondack Mountains, and the fish life cannot reproduce in the acid waters. In the high country of the Adirondack Mountains, the lakes are still, the fish are no more.

The people who plant the lands that we have occupied for thousands of years display no love for the life of this place. Each year they plant the same crops on the same land and they must then spray those crops with poisons to kill the insects which naturally infest their fields because they do not rotate crops or allow the land to rest. Their pesticides kill the birdlife, and the runoff poisons the surface waters.

They must spray also the other plant life with herbicides, and each year the runoff from the fields carries these poisons into the watersheds of our country and into the waters of the world.

Brothers and Sisters: Our ancient homeland is spotted today with an array of chemical dumps. Along the Niagara River dioxin, a particularly deadly substance, threatens the remaining life there and in the waters which flow from there. Forestry departments spray the surviving forests with powerful insecticides to encourage tourism by people seeking a few days or weeks away from the cities where the air hangs heavy with sulphur and carbon oxides. The insecticides kill the black flies, but also destroy much of the food chain for the bird, fish and animal life which also inhabit those regions.

The fish of the Great Lakes are laced with mercury from industrial plants, and fluoride from aluminum plants poisons the land and the people. Sewage from the population centers is mixed with PCBs and PBs in the watersheds of the Great Lakes and the Finger Lakes, and the waters are virtually nowhere safe for any living creature.

Brothers and Sisters: We are alarmed that a string of nuclear power plants are being built around our country and that at Three Mile Island in the southern portion of our ancient territories an "accident" has occurred which is of a type of accident which could hasten the end of life in this place. We are dismayed that a nuclear waste dump at West Valley (N.Y.) upstream from one of our communities is releasing radioactive substances through our lands and into the watershed of Lake Erie. We are offended that the information about the nature of these plants is known only to the highest officials of the United States, leaving the people unarmed to defend themselves from such development, and that the development of nuclear power is encouraged to continue.

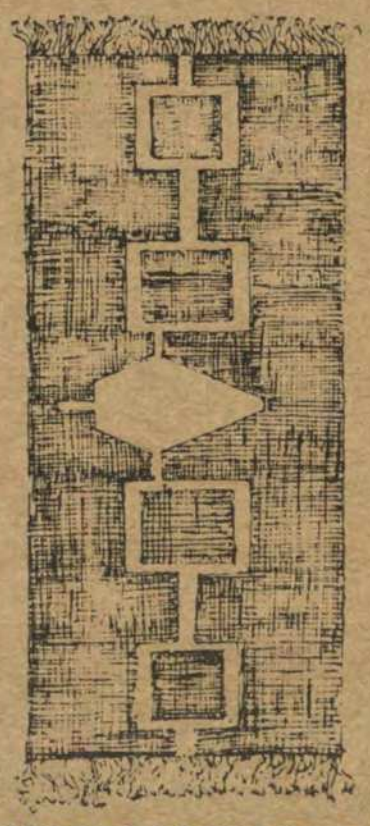
We are seriously concerned for the well-being and continued survival of our brothers and sisters in the Southwest and Northwest who are exposed to uranium mining and its inherent dangers. The mining end is the dirtiest portion of the nuclear fuel cycle and has progressed beyond questions of whether or not the machinery involved is dependable. Already vast amounts of low-level radioactive uranium tailings have been dumped in cities and used in building materials of dwellings and public buildings over a wide area of the Southwest. People have died, and many more can be expected to die.

Proponents of the Nuclear Fuel Cycle issue statement after statement to the people, urging that the nuclear reactors are fitted with safety devices so sophisticated that a meltdown is only the most remote of possibilities. Yet we observe that no machinery or other invention made by human hands was a permanent thing. Nothing humans ever built, not even the pyramids of Egypt, maintained their purpose indefinitely. The only universal truth applicable to human-made devices is that all of them fail in their turn. Nuclear reactors must also fall victim to that truth.

Brothers and Sisters: We cannot adequately express our feelings of horror and repulsion as we view the policies of industry and government in North American which threaten to destroy all life. Our forefathers predicted that the European Way of Life would bring a Spiritual imbalance to the world, that the Earth would grow old as a result of that imbalance. Now it is before all the world to see – that the life-producing forces are being reversed, and that the life-potential is leaving this land. Only a people whose minds are twisted beyond an ability to perceive truth could act in ways which will threaten the future generations of humanity.

Brothers and Sisters: We point out to you the Spiritual Path of Righteousness and Reason. We bring to your thoughts and minds that right-minded human beings seek to promote above all else the life of all things. We direct to your minds that peace is not merely the absence of war, but the constant effort to maintain harmonious existence between peoples, from individual to individual and between humans and the other beings of this planet. We point out to you that a Spiritual Consciousness is the Path to Survival of Humankind. We who walk about on Mother Earth occupy this place for only a short time. It is our duty as human beings to preserve the life that is here for the benefit for the generations yet unborn.

Brothers and Sisters: The Haudenosaunee are determined to take whatever actions we can to halt the destruction of Mother Earth. In our territories, we continue to carry out our function as spiritual caretakers of the land. In this role as caretakers, we cannot, and will not, stand idly by while the future of the coming generations is being systematically destroyed. We recognize that the fight is a long one, and that we cannot hope to win it alone. To win, to secure the future, we must join hands with like minded people and create a strength through unity. We commemorate two hundred years of injustice and the destruction of the world with these words.



HISTORY REPEATS ITSELF

by TOM BARRY

Research provided in part by The Fund for Investigative Journalism

"Here we are, a people who have water rights, rich timber, agriculture, minerals — including much of the country's uranium — and the economic base of the land itself. Yet, we're still the poorest people in the country. Now why is that?" La Donna Harris, President, Americans for Indian Opportunity.

History is repeating itself for American Indians in the Southwest. Fifteen years ago a consortium of public and private utilities and federal agencies known as WEST (Western Energy Supply and Transmission) brought energy development to the Navajo and Hopi Indians through a program for massive coal stripmining and electric power plants.

The original promises by WEST and the Bureau of Indian Affairs (BIA) that energy development would bring prosperity to the reservations have been broken by the adverse effects of the industrialization. The Four Corners Power Plant, the Navajo Mine (the largest coal stripmine in the U.S.), and Peabody's Black Mesa mine have irreparably marred the land. The Navajos and Hopis now face an array of problems, including widespread air and water pollution, dwindling water supplies, and the disruption of their communities.

The two tribes made the decisions to lease their coal resource land "out of economic desperation, under false premises, and with bad advice" from the BIA, according to a report by the Council on Economic Priorities (CEP). The national organization charged the BIA with violating its "moral obligations of highest responsibility and trust" for approving coal leases with such low royalty rates and weak environmental provisions.

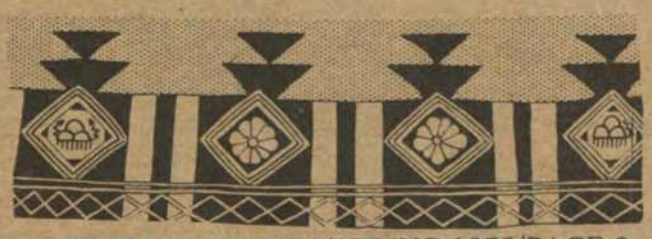
In northwestern New Mexico, this pattern of negligence is repeating itself once more in the recent uranium boom. The U.S. Department of Interior has called northwestern New Mexico "the hottest uranium exploration spot in the U.S.". Already about one half of the country's uranium production comes from this area, with 47% of the state's uranium mining and milling occurring on Indian land.

The BIA, through easy lease terms and favorable **environmental assessments has opened up Indian uranium resources to the energy companies, just as it did previously with coal leasing.**

"The relentless search for mineral wealth was one of the prime factors that caused us to lose our land and to be forced onto reservations — land that was considered worthless and barren," stated Peter MacDonald, Chairperson of the largest Indian reservation, the Navajo Nation. This time, continued MacDonald, "the mineral exploiters are being protected not by federal troops but by federal policies and regulations.

Several years ago, the American Indian Movement (AIM) brought national attention to Indian criticism of BIA practices by occupying BIA offices in Washington, D.C..

Other Indian organizations, federal agencies, and environmental advocates subsequently joined in and now frequently criticize the BIA for its nonchalant approval of mineral leases at the expense of Indians and to the benefit of the energy companies.



INABILITY TO DELIVER

The Federal Trade Commission (FTC) in its 1975 "Staff Report on Mineral Leasing on Indian Lands" said that the BIA was negligent in advising Indian tribes about mineral development options. Instead, the report shows how the BIA through poorly-attended competitive bid sales and standard leases contributed to the loss of Indian mineral wealth. The report noted that "the BIA simply does not have the expertise to effectively deal with a large coal, oil or uranium company."

The American Indian Policy Review Commission published a detailed critique of the entire BIA program. It called the BIA "an inefficient organization" with its principle problem being "its inability to deliver program funds directly to Indians. In fiscal year 1977, the BIA returned $29.5 million in unexpended funds to the U.S. Treasury at a time when its Area Offices were telling Indian tribes that 'self-determination' grant funds were not available."

For every 19 Indians in the United States, there's one federal administrator to look over their best interests. The U.S. government spends $777 million annually to fund the Bureau of Indian Affairs, the government trustee of the Indian people.

A study this year by Ernst and Ernst consultants on "Energy Development on Indian Reservations" stated in **its conclusion: "Oversight of energy company actions on reservations has historically rested with USGS and the** BIA as part of the federal trust responsibility. Both of these agencies are chronically understaffed in the Indian energy development area and are not able to monitor company operations or to advise tribal leaders."

Despite the repeated criticism of its mineral leasing practices, the BIA has continued to advocate and approve financially exploitative and environmentally unsound mineral leases.

The current demand for uranium resources has focused attention on the BIA's leasing activities in New Mexico. Indian activists and other BIA critics are claiming that the BIA has not adhered even to its own limited guidelines and regulations for Indian mineral leasing.

"The health impact from mining and milling," says the New Mexico Environmental Protection Division, "surpasses any other phase of the nuclear power industry, including nuclear reactors." Already, Navajo uranium miners have died and are dying from lung cancer; radioactive wastes lay in huge piles throughout the reservations; and precious water supplies are being contaminated by radioactivity.

According to a Department of Interior study, over 35,000 exploration holes have been drilled in the northwest New Mexico region called the Grants **Uranium Belt. In a 20 mile radius around the Navajo town of Crownpoint, there are fifteen to seventeen** mines proposed. In the same area, the largest open pit uranium mine in the world, Anaconda's Jackpile Mine, lies on the land of the Laguna Pueblo.

SIMPLER THAN BUILDING A ROAD

In this uranium-rich area, the BIA's policy on mineral leasing is a critical issue. According to its mineral leasing guidelines, the BIA's duties include offering Indian land for competitive bids; approving exploration and mining plans; collection of royalty and bonus money; and enforcing the provisions of the lease. The BIA is responsible for making technical, economic and environmental assessments of each phase of the mineral development.

If the BIA decides any of the activities (e.g. approval of leases and mining plans) is a major federal action **significantly affecting the environment a detailed Environmental Impact Statement (EIS) is ordered.**

BIA regulations require that the BIA superindendent make a technical examination of the environmental effects of the proposed mining operations. This **examination should include such items as the preservation and protection of other resources, including cultural, recreational, scenic, historic and ecological values, the prevention of air pollution, and the reclamation of the soil.**

Since 1971, when the uranium boom on the Navajo Reservation was just gearing up, the BIA and the USGS (United States Geological Service) have routinely approved the uranium development plans passing through their offices as minor actions not worthy of full-scale Environmental Impact Statements. An EIS, along with a series of public hearings, is required for all major Federal actions that "directly affect human beings or indirectly affect human beings through adverse effects on the envrionment," according to the Council on Environmental Quality guidelines). Evidence of controversy about the federal decision or action necessitates an EIS.

As a way of determining whether an EIS is necessary, the federal agency first concerned prepares what is known as an Environmental Assessment (EA). The USGS, as technical advisor to the BIA, is the lead agency in preparing EAs for mining plans submitted by the BIA. The BIA then reviews the USGS environmental assessments, offers its own criticisms and stipulations, and then makes a decision to concur with the plan or to turn it down.

"The EAs are pretty standard things," said Andrew Latham of the BIA's Real Property Management Office in Window Rock, explaining why the reviews have been so sparse for the uranium projects.

For the most part, you know what kind of effects you're going to have before you start a project. By experience, we know approximately what's going to happen," continued Latham. "It's just like knowing what kinds of effects building a house is going to have. Or a road, except that a road is often more involved than a mineral lease because with a road you have to deal with all kinds of property to get right of way."

"Simply because our environmental reviews were so short," added Latham, "doesn't mean that the leases or **the mining plans weren't looked at carefully. It just means that we felt the companies' plans sufficiently covered the environmental problems.**

BUSINESS AS USUAL

In the last two years, USGS and the BIA have assessed ten mining and exploration plans for Gulf, Kerr-McGee, Continental, Movil, United Nuclear, and Anaconda. The assessment are not, however, genuine critiques, but a regurgitation of the companies' own language and analysis presented in mining and exploration plans.

Separate technical assessments by the USGS of different plans are oftentimes word for word the same. No detailed criticism or stipulations are offered by either agency.

Despite the widespread concern by residents of the Grants Uranium Belt and by federal and state environmental egencies about radioactive pollution from uranium mining, the EAs prepared for new iranium mines have failed to address this hazard in detail.

Instead, the problems have been commonly dismissed in a few words or sentences by USGS environmental scientists. The following are examples of statements from several EAs:

"The pollutants would not create a health hazard";

"There will be a small amount of air pollutants from blasting fumes, radon gas, and exhaust gas. They would be in extremely low concentrations and would not create a health hazard";

"The air quality will not be worse than most cities or highways";

"there will be a minimum of surface disturbance."

Several of the assessments do not even mention the potential for radioactive contamination under their

TOM BARRY CON'T.

sections on adverse environmental effects, and none of the assessments by the USGS and the BIA note the problem of low level radioactive tailings that will be left by the mills.

"The GS and the BIA weren't looking at the cumulative impacts when they approved those mining plans," said one source in the Interior Department. "It was just business as usual."

"The agencies do in-house studies of those plans," commented Paul Robinson of the Southwest Research and Information Center in Albuquerque. "They have a set of guidelines for preparing those assessments, and they just check boxes in a table. They never go out of their offices, they do not have contact with the local people. They put in a lot of work, but volume is not always quality."

AT THE REQUEST OF INDUSTRY

Unlike its co-agency in the Department of Interior, the Bureau of Land Management (BLM), the BIA has not sought to establish comprehensive planning programs of Indian minerals development. While the BLM prepares compreshnsive land use plans for all areas under its jurisdiction, the BIA customarily waits until a nomination from a company before considering the development potential of particular tracts of Indian land.

The U.S. Comptroller in its report of "Indian Natural Resources" on seven reservations wrote: "Minerals development has resulted primarily from requests by private industry, rather than from actions by the tribes and the BIA.

"Knowledge of the amount of recoverable resources on the reservation could also benefit the Indians," the report concluded. Despite Indian interest and suggestions by other federal agencies, the report said, "the BIA has only placed minor emphasis on planning for mineral resource development. The BIA has not developed formal mineral management plans for the reservations we reviewed... Mineral development plans should provide a basis on which Indian people can decide on the approach they wish to take regarding mineral development and also consider the long-term effects of such development. These plans should include: alternative development levels; socio-economic impacts; cultural impacts; and environmental impacts."

The average uranium lease for Indian land offers a royalty rate of 12 to 25%, and a $1 to $4 an acre rented. The BIA is at this time handling these leases in the same way it did twenty or forty years ago.

"The amount of royalties is entirely inadequate, given the amount of disruption to the land and the current market price of uranium," said Joe Gmuca, a legal aid services lawyer for Navajos. "The companies are getting uranium here at bargain prices."

The Omnibus Mineral Leasing Act of 1938 states that minerals may be leased "for a term not to exceed ten years and as long thereafter as minerals are produced in paying quantities."

The American Indian Policy Review Commission has said that the BIA leases were too long and needed periodic review. The Commission adds that "tribes are more vigilant than the BIA in ensuring that operations and leased land conform to the terms of the lease."

Navajo Minerals Department's Bill Armstrong said this lack of review results in less money for the tribes: "You can't just sit back and blindly follow regulations and expect to make a maximum profit."

Paul Robinson from SWRIC agrees: "The royalties are minimal. Indians don't get a fair share of the uranium profits. And the royalties are not the only thing the Indian people should be getting. They should be getting a guaranteed percentage of jobs and the jobs should range through the various skills needed to have expertise in mining. Right now the Indians are drafted to do mining for the companies. They are not developing expertise. The profits go to the companies; the salaries to the Indians."

BIA – A WAY OF LIFE

The barrage of criticism and protests against the BIA has not resulted in change. Settled in its ways, the BIA has done little to improve the efficiency of its programs.

"It's just eight to five, don't rock the boat until you retire," comment one Navajo Tribe official. "Most of those BIA people have been with the agency for many years. The federal government gives them a check, promotes them every so many years, pays their retirement, and then buries them."

One prominent critic of the BIA is Indian scholar, writer, lawyer Vine Deloria who last year said: "If Carter wanted to do something for Indians, he'd make employment in the BIA a capital offense."

In an interview with the Arizona *Republic*, Deloria described the BIA "as a way of life."

"You can talk to these guys and you're absolutely astounded that people can be as bad as these BIA people are but they are," said Deloria. "There's just no sympathy for Indians in there whatsoever, and you put Indians in there and they adopt the BIA attitude."

According to the American Indian Policy Review Commission, the BIA does not employ personnel with the skills necessary to undertake negotiations even if the data was available.

"For example," the Commission pointed out, "the BIA Navajo Area Office does not employ a geologist or mining engineer, nor is there a procedure for BIA personnel to exchange information with other BIA officials who are conducting similar negotiations."

When asked why no technical examinations had been done by the BIA for the uranium leases it had authorized, a BIA minerals official said "the terms of the lease take all those matters into consideration."

The only BIA Environmental Quality staff member in the Navajo Capitol of Window Rock is Howard Zeutzuis. A veteral of BIA service, Zeutsuis admits he has no background in the envrionmental or any other sciences.

It is Zeutzuis' job to review every mining plan and USGS assessment to insure the envrionmental protection of Navajos.

"It's all very mechanical," Zeutzius explained. "Just a rat race, where we follow the regulations."

Bill Armstrong of the Navajo Minerals Office commented, "I've worked here seven years and have never seen an environmental assessment of a competitive bid sale. The BIA doesn't have anybody with any expertise in minerals."

The BIA Southern Pueblos Agency which has the responsibility of reviewing mineral leases on Laguna Pueblo land, has also been criticized for lack of thorough environmental investigation.

In review of two different mining and reclamation plans by Anaconda for its huge operation on the Laguna Pueblo, then Superintendent Kenneth Payton of the Southern Pueblos Agency, wrote in two separate letters in 1977 the identical approval: "This office approves the subject plan and recommends the USGS take the necessary action to approve the plan also." Payton

offered no further comments to either Anaconda plan.

Also on Laguna land is the Conoco Bernabe Uranium mine. BIA Environmental specialist Mark Stevens gave his approval of the four Conoco leases in a July 1977 letter to USGS: "We concur with the Mining and Reclamation Plan for the Bernabe Project, and sincerely appreciate your contribution to the project."

CONFLICT OF INTEREST

There exists some question about whose interests the BIA and the USGS – in its capacity as technical advisor to the BIA – are really serving, the Indians or U.S. energy needs.

As trustee for Indian lands, the BIA is charged with the role ofprotecting what are essentially private property rights. In enacting any decision affecting Indian land or people, the BIA and the USGS have the responsibility to consider the interests of Indians as primary.

All of the uranium and exploration plans, however, that were approved by the USGS and the BIA in the last three years have cited the U.S. energy demands as an important reason for giving the go-ahead to the mining projects. In the environmental assessments of mining plans prepared by USGS, the country's energy crisis has usually been offered as the first reason for approving the plans.

In its 1975 statement regarding Kerr McGee's plan for a uranium mine on Navajo land near Churchrock, the USGS wrote: "Rejection of this action would reduce the quantity of uranium available for the purposes of fueling nuclear reactors for electric power generation. The use of nuclear energy can aid in reducing some of the pressures being placed on this country's supply of fossil fuel."

"I think the energy shortage is a valid reason for approving leases," said George Worsham of the BIA Southern Pueblos Agency. "It's not the sole reason, but it fits into the picture."

"The energy crisis is something that's shared by the reservation," reasoned Andrew Latham, "so it should be considered." The BIA officer said that the energy development would have adverse environmental consequences, "but any project has an effect on the environment. What we need to do is to balance the benefits and the harmful effects. The Indians will have the effects, but they will also get the energy."

The Americans for Indian Opportunity (AIO), a national public information group run by Native Americans, challenged the integrity of the BIA, an agency of the Department of the Interior, and its decisions about mineral leases because of the government agency's dual concern for Indians and national interests. AIO, in a national convention report, said that there "exists an age-old and built-in conflict of interest with the Department of the Interior, because the Department not only involves itself in setting national energy policy, representing the interests of non-Indians, but also undertakes to serve as trustee for Indian interests as well."

These conflicts of interest, said the AIO, present a threat to water and timber as well as mineral resources. AIO has demanded that the government take "strong steps to resolve this conflict of interest and ti give better assurance to Indiann tribes that the government intends to live up much more faithfully to the responsibility it has solemnly and lawfully assumed toward Indians."

President Carter's Project Independence makes the need for a resolution of this conflict of interest all the more urgent. Project Independence calls for the doubling of national coal production and emphasizes the need for increased uranium production. The Indian nations have tremendous reserves of both coal and uranium.

TOM BARRY CON'T.

WORST IN THE WORLD

Compared to Indian nations many Third World countries – having broken from colonial control – have taken steps toward development contracts that meet their own countries' needs.

"Many developing countries have been under pressure to break away from the traditional form of agreement," wrote David Smith and Louis Wells in their book, *Negotiating Third World Mineral Agreements*. Resource countries have said they were exploited by the former agreements where the companies would only return small royalty payments to the country's treasury. These countries are now demanding increased government participation in company ownership and management and a role by the company in promoting local development.

Smith and Wells say that among Third World countries, joint venture agreements are now common.

The American Indian Policy Review Commission agree, stating: "until the early 1960s, most Third World countries were in a similar position to Indian tribes. Unlike Indian tribes, however, they have been able to shift the balance of power and in doing so have secured a larger share of mineral income" through joint venture agreements and service contracts.

BIA mineral leases, according to international negotiators, are among the worst in the world, both because of their financial terms and their lack of provisions for environmental control and employment.

Andrew Latham of Window Rock's Real Property Management Office defends the traditional competitive bid lease sales of the BIA, saying the "bids assure that the Indians will get a fair market for the minerals."

Latham rejects the notion that the tribe can get a better deal if it negotiates lease terms with the company directly. "I personally don't think that negotiated leases are good," said Latham. "You have no guarantee that you are getting the best offer. But if you put it out for public bid – where everyone has an opportunity to bid on every tract – then you know you'll be getting the highest market value."

The FTC in its study on "Mineral Leasing on Indian Land," concluded that "uranium sales (on the Navajo Nation and Laguna Pueblo) have not been very competitive."

According to the FTC, of the 2,875 tracts offered on Navajo and Laguna land before 1975, only 6.2 percent of the tracts bid on received four or more bids: only 35.6 percent of the tracts offered were bid on; and 593 tracts – 57.9 percent of the tracts bid on – received only a single bid.

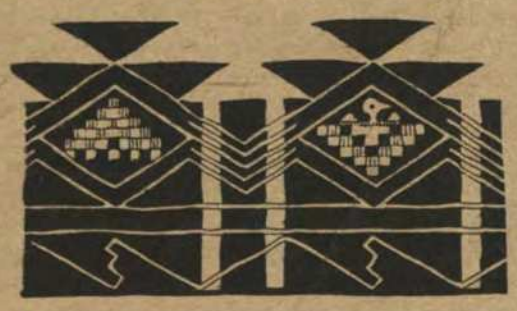
For Navajo sales, the average of bids per tract bid on was 1.7 bids; for Laguna land, the average number of bids was 3.3.

Gulf Oil, for example, won 120 "single-bidder" tracts of land, and the speculator company Michael Grace gained 60 tracts by being the only bidder.

On a lease offered August 6, 1975, 27,000 acres of Navajo allotted land were auctioned by the BIA for uranium leases. The average bid per acre was $43 and the average number of bids was just 2.1.

The Federal Trade Commission cited the lack of geological information about the offered tracts as one reason for the poor competitiveness on the lease sales. "Very little information was known about the tracts of Indian land offered for lease," said the FTC report. "Much of it had not even been explored even in a rudimentary fashion."

Because of the ignorance about the mineral wealth of the land, the USGS doesn't establish minimum bids for the Indian uranium sales. According to the USGS Mining Supervisor in Albuquerque, the agency usually doesn't accept bids less than a dollar.



The FTC has pointed out that this practice of not setting a minimum bid is in contrast to the BLM practice of establishing minimum bids before its mineral sales.

The BIA has relied on its standard lease form for all the uranium and oil and gas lease sales it has conducted. There are provisions in the lease for environmental protection and Indian employment, and reclamation, but they are general and vague, to the point of being unenforceable.

The "Protection of Environment" section of the BIA lease, for example, states: "The Lessee agrees to preserve and protect the natural environment and coalitions of the land .. and to take such corrective actions as may be necessary within the scope of normal conservation and anti-stream and anti-air pollution practices..."

"All the BIA has been doing is brokering for the big companies," said Paul Frey, DNA Legal Services attorney in Crownpoint, New Mexico. Frye is now representing Navajos who feel that they were not sufficiently informed about the proposed uranium development and that the terms of the BIA leases are unfair.

"There's a whole lot of people out here that want us to help them with their complaints," added Frye.

Many of the complaints are coming from allottees (individual Navajo landowners) whose land is being leased to uranium companies.

A federal regulation regarding the approval of exploration, mining and reclaming plans requires that: "A superintendent shall consult with the Indian land owner with respect to actions he proposes to take..."

It is not the policy of the BIA Navajo Area Office to consult with Navajo allottees about the plans for development.

"That's right," said Andrew Latham. "We don't notify the allottees before their land is offered for bid."

On at least several occasions, the BIA has signed mineral leases without the signature of the allottees.

GETTING A PIECE OF THE ACTION

Like the Third World countries which have obtained more control and profits in mineral leases, the Tribes themselves – not their trustee the BIA – have begun to break the pattern of low-return, environmentally unsound leasing.

The first such action came from the Navajo Tribe, which negotiated a 400,000 acre uranium exploration lease with Exxon. The lease provides the option of a joint-venture with the company if uranium reserves are discovered.

"The Navajo-Exxon uranium agreement was the first time an Indian tribe ever tried to get a piece of the action," said Bill Armstrong.

The progressive nature of the lease did not inspire the Window Rock BIA office to quickly approve the lease when it was submitted, as federal regulations require. On the contrary, "the BIA took the agreement as a slap in its face," said Armstrong.

In January 1977 – three ful years after the BIA received the lease – federal approval was granted. The lengthy delay cost the Navajo Tribe $1.6 million in unpaid interest from the $6 million in bonus money that Exxon put in an escrow account until the lease was approved.

Armstrong said that the Tribe will no longer use the standard BIA leases. "Our economic analysis shows that the Tribe can make two and a half to three times more than the BIA royalty schedules on joint-venture leases it negotiates itself."

Calling the BIA leases "crap shots," Armstrong said that the Tribe will be trying to get a bigger piece of the action with each new agreement. "We intend to milk the companies for all they are worth," he said.

A COLONIAL EXPERIENCE

This approach is radically different from the standard BIA handling of mineral leasing. the Americans for Indian Opportunity said in a recent report that there exists a "lease mentality on the part of government officials, encouraging Indians to do nothing with their resources except lease them out to non-Indian individuals and corporations – retaining no control, retaining no share in profits, retaining no control over employment – and receiving only a lease fee or royalty."

Because of the vast energy resources of Indian land, said John Redhouse, Navajo activist and energy expert, "Indian people can make a difference in the future of nuclear power and energy. Past uranium development on Indian land, however, has been a colonial experience.

"We have suffered most of the costs and the impacts of this development while multi-national energy corporations have reaped the benefits and profits. We continued to live in poverty and dependency."

1979 LUNAR CALENDAR

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An Interview With: Barbara Moore, on Sterilization

(The sterilization of Native women as a policy of the United States government is an issue which is getting international attention. The following interview appeared in a West German magazine in the German language. In it, Ms. Moore relates the circumstances under which she was sterilized without prior knowledge and against her will.)

[Barbara Moore from the Dakota people (Sioux) came to Germany in May 1978. She represents the Pan-Indian delegation and was invited by West Germany, where they have an organization called the Society for Threatened Peoples [Gesellshaft Fur bedrohte Volker]. The following interview was conducted by Fee Podgarski.

Fee Podarski: Barbara, you are an Indian woman from the U.S.A. Can you tell us something about forced sterilization in the U.S.A.? We have heard very little about this subject in Germany.

Barbara Moore: I come from the U.S.A., but I don't count myself as an American. In the U.S.A. we are also called Indians, but we are "The Red People" or "The Red Nation." The name "Indian" is another form of not paying attention to individual differences. Indians are living all over [the] Americas, from Canada, the U.S.A., Central America, and down to the southern part of South America. But we are all "The Red People." I come from South Dakota. I am living on a reservation with 2,000 people. It's name is Rosebud Reservation, which is connected to one of the biggest reservation in the U.S.A. called Pine Ridge.

FP: And how is it with forced sterilization?

BM: At the beginning of this century the government created Public Health Care. That means hospitals, controlled by government. Mostly the doctors come from the army. They are all white people. Mostly they come from the big cities in the East. Those [inexperienced] doctors work in these hospitals to spend their internships working on Indians. That means that they use Indians as guinea pigs.

FP: Do they really offer you this as medical health care?

BM: Lots of things happen without our knowledge. There are plans to get rid of Indians. They actually plan different kinds of genocide. One way to do that is through alcohol, another way is birth control, and one of the most cruel ways is to sterilize Indian women by force. Alcoholism is very common. My people are almost completely dependent on alcohol. These people are [also] dependent on the governments health program and their children are [often] placed in white peoples' homes which are far away from the reservations. We cannot control this and we cannot bring the children back. This is a kind of genocide too.

Many Indian women go to the Indian Health Service to have an ordinary examination and the doctors tell them: "You need vitamin pills to give you strength." Later it turned out that lots of those pills were pills against pregnancy. Indian women don't know white men's medicine. All these different kinds of small pills are another form of genocide. And now to the subject of sterilization. Young women go in for birth control. The doctors destroy the fallopian tubes and tell the women: "If you want to be pregnant you can always come back and then we can fix it again." And not until these women come back do they realize that it is impossible.

FP: Can you tell us something about the backgrounds of sterilization?

BM: There are lots of political reasons. The U.S.A. has developed as a country colonized by whites. The white people are expanding, and in addition to that, they know that we have wood and gold, coal, uranium and great water resources underground on our reservations. That is why the white people are so extremely interested in our reservations, so that they can exploit ourresources. But Indians won't under any circumstances let white people take our reservations. The process of sterilization is very dangerous to our people, and I demand that it stops immediately and that the Indian women realize that this generation is very important. They want to have children.

Four years ago I was pregnant myself and I went to a public health service to deliver my baby. For one reason or another I was not able to deliver it in a normal way. They delivered my child by a caeserian, that is all I remember. When I woke up the next day after the operation I was told that my child was born dead. I let my child have an autopsy, and they could not find a reason for the fact that my child died. My child was born healthy. Besides this, they told me that I could not have any more children because they have had to sterilize me. I was sterilized during the operation without my knowledge and without my agreement. What could I say and do? It was already too late. x FP: Did you go to court with this?

BM: It is very difficult for my people in our reservations to get qualified help because we are a very poor people. We are not materialistic people. The lawyers are very expensive and besides that they are white. But you say those things alout and it will be much worse, because then they will do much more harm and put much more pressure on our reservations: I demand that all this stops.

FP: Have you published what happened to you and to other Indian women because now you are aware of the reasons for it?

BM: When I am at home I talk to a lot of people and tell them what happened. And I go to different places to be supported by women's liberation organizations, too. They thought it would be a good idea if I went to Germany to be supported by other women, especially for the justice of the Indian women, because they have really been disregarded. In our culture and in our way of living the Indian woman is especially important. She has the power to secure our continued existence.

FP: Do you have women's liberation organizations which support and help you with your problems, and if "yes", who are they?

BM: I have contact with different people, but I haven't got time to follow it up, because they live in the big cities in the U.S.A.. Besides this I have two kinds of jobs and go to school too. So actually I have three things to do and it is expensive to travel around. Because of that, I haven't real good contacts with organizations in the U.S.A..

FP: Don't the organizations come to you by themselves when they hear about your problems and offer you help?

BM: I think that is my job. We have other Indian women who speak for their clans and they have contact with other organizations.

I have a girlfriend in New York and she helps me by giving me contacts with different women. When I go back I will have a meeting with women in New York. Not until two days before I left was I told to go to Germany.

FP: With which organizations do you have contact in the U.S.A.?

BM: I don't know the names of the organizations, but they work mostly for women's rights.

FP: Is it only Indian women or do Black women also get sterilized?

BM: I am sure that this happens to Black women too because the government keeps them very much oppressed also. Yes, I am sure that this is done to them, and it is also done to women from Mexico, and South America. ...We can't find any ways to make the government listen to us – THEY JUST WON'T LISTEN;

FP: This means that the government has interests in killing you all and taking your country away from you?

BM: Yes, they do only have interests in developing technology, while we Native inhabitants have a very big respect for our Mother Earth and want to keep her. The only possibility they have to get rid of us is to kill us all. And that happens in different ways as I have already told you about.

FP: What is the government's attitude toward forced sterilization in the U.S.A.?

BM: They didn't talk about it until the end of last year at the UN Non-Governmental Organizations Conference in Geneva. The government even made an examination of the conditions in the Indian Health Service on the reservations, and it was discovered that the government supports these things and they didn't even try to deny it. It is true that forced sterilization happens.

INTERVIEW CON'T.

They finance all this with government money. They know what happens but they continue doing it. They weren't even able to deny their own discoveries, because it was all proved by written documents. They have simply ignored it. We have tried to fight against it, but it is getting worse and worse.

FP: How is social life among Indians? Do you help each other and do you stick together? Do you still live in your traditional way? You said before that your women have a very important place in your society.

BM: My people have divided themselves into two groups. One part is living in white men's society – the other part is living strictly after our traditions. But all of us still have one thought – to take care of our children so that we don't die out. Because we are on our way to die out just like the buffaloes. And that's why our women are afraid of what's happening to them. Our traditional people don't trust women's liberation, in the way that white women practice it. We Indian women have always been emancipated.

FP: You mean that the Indian woman in your society is not repressed?

BM: No, they do more or less have their freedom but today that's different too. Especially young people today realize how serious the situation is. They try to discuss their situation with each other and try to work together. It has taken a long time but now we have succeeded.

FP: What kind of jobs can you get on the reservations and how do you earn money?

BM: I am a teacher and I teach children in an ordinary school. Besides this I am a dean and teacher in one of our own Indian Survival Schools. That's the Crowdog's Indian Way School.

FP: When you do this job are you then paid by the government?

BM: I have to work in a public school to survive but as a dean of the survival school I don't get paid.

FP: How much do you earn as a teacher in the public school?

BM: I am paid $400 a month and that is very little if you compare it to other wages and in the survival schools it is much less. There I am paid $200 a month. There you are in fact only paid for your basic needs.

FP: These wages, are they paid by the Indians or by the government?

BM: We don't want money from the State or the church. Any contributions that we receive is from private people. This amount of money is only used for the pupils, for materials, food and things similar to this. The dean and the teachers in these schools work as volunteers.

I have more to add about survival schools. My brother, my sister and I used to travel around a lot and we talked with and got involved with AIM (American Indian Movement), and right there we saw the necessity for our people. The pupils from the survival schools come directly from families where they speak Lakota and they don't know the English language. When they then go to public school they are totally confused. They get into a lot of difficulties because of their problems with the English language. The longer they stay in the high schools the sooner they will freak out and start drinking and taking drugs.

Our people are spiritual people. We try to make our own children confident with these things and with this confidence bring them back to my peoples' values and culture. And at the same time we teach them math, art, English, philosophy and other common disciplines. We teach them two kinds of culture. First they have to learn our own values again, then they can start to learn about the other way of living. From this we show them the tactics of the U.S. government – the tactics they used against us. WE also teach them about our resources and the genocide of our people, and when our children grow up, they will be able to use this knowledge.

FP: Does the white government accept your way of educating your children? And do they try to make it difficult for you and disturb you?

BM: No, we are accepted as a school in South Dakota.

FP: Do they supervise you?

BM: No, they don't supervise us or control us. We are independent of the government. They regard us as a school but they don't supervise us. We can teach as we want to.

FP: And now another question. Do you have social differences and barriers between upper and lower classes?

BM: On our reservations we have a lot of white people, and they are upper class.

FP: I thought that only Red people lived on your reservations.

BM: No, some white people are also living the These white ranchers came and the country was taken away from the Indians and given to them – they became very rich. But they don't pay taxes. They became very rich and the Indians became very poor. The unemployment is very high on the reservations. It is very difficult to find a job on the reservations.

FP: Do you have classes among the Indians?

BM: Yes, we have. Some people think that they have a good education and they think they can demand a better way of living. That's upperclass.

And we have people like me who work for a better situation and we are regarded as middle class. Then again we have another group of Indians for whom everything

is legal. They receive government welfare and are alcoholics. They are lower class. And that's the kind of people that I try to get out of their resignation. They don't have pride any longer. They have lost it during white men's rule. I try to give them their self confidence back.

FP: Do your social barriers between Indians look like social barriers between whites?

BM: White men's society brought class structure with them and the Indians had to follow them. I try to get them out of this, because originally we didn't know about class structures in our societies. Traditionally we had medicine men, chiefs, and hunters. Those were our differences. They made different kinds of work, but the all belong to the same class. That means that nobody was better or worse than the other. The kinds of jobs were equal, but all kinds of jobs were looked upon as honorable. That means that we appreciated all jobs and there was no difference. We are all equal

One of our most important things is to take care of old people and children. Middle aged people did first of all take care of children and old people. Our responsibility for each other was very great. We have certain give-away ceremonies at home to give all we own to everybody. That means that you give everything

away: your clothes, your house, your bed – really everything you own. When the ceremony is over you have nothing left. But those you gave it to will help you again.

FP: Do you have military organizations among Indians as for example Black Power among Blacks?

BM: Our strongest organization is the American Indian Movement. I support their legal fights.

FP: Do you have any military actions at the moment?

BM: AIM started as a spiritual movement, but the government ignored us. Then we started to demonstrate and create actions such as Wounded Knee. Those people from Wounded Knee were attacked by the U.S. government and they are still attacking. Today many of our people, men and women, are in prison and the only way we can help them is in legal ways through courts. In order to reach anything we have to go to the highest court, and that takes a long time. The U.S. made special laws for Indians. Not until [1924] were we looked upon as citizens of the U.S.

But our individual Indian nations aren't even regarded as legal today. They have given us laws to tell us what we are allowed to do and not. We haven't got freedom to keep our own religion. In prisons, for example, we aren't allowed to smoke a peace pipe because they immediately start thinking about marijuana. Last year we went to the directors of the prisons to demand permission to smoke and pray. I myself am against Christianity, because it is responsible for our culture's desolation.

My forefathers were forced to give up their own beliefs and religion. The Bible says that wine is the blood of Christ. If the wine is so holy why did it then turn my people into alcoholics? Christianity is for us only nonsense. Here in Germany we have met a lot of Christians who are very strong, and I asked them what kind of influence they had on the churches in the U.S.. they said: "Perhaps we can talk to them." On our reservation we have a town with 200 residents, but we have 12 different churches in this town. Tell me, who is brainwashing whom? They aren't there for our sakes – on the contrary, they only want our country. But I wish that all these missionaries would leave. We have our own religion. And besides, who asked the missionaries to come???

(This interview appeared in the Jan/Feb 1979 issue of POGROM, the publication of Gesellschaft fur bedrohte Volker. Published in the German language. Abonnement (10 Ausgeben) DM 30--. Bramschon Strasse 200, 4500 Osnabruck, W. Germany. Article translated by Tove Bornhoft and Gitte Larsen.)

U.S. COLONIALISM AND THE HOPI NATION

PART ONE: A History of Dishonor

The following is the first part of a report prepared by the Indian Law Resource Center in Washington D.C. on the status of the Hopi claim to their ancestral lands. The Indian Law Resource Center is a law firm based at 1101 Vermont St. N.W., Washington, D.C.. ILRC is a leading advocate of the rights of the Native peoples in the Western Hemisphere and is, we feel, the most effective law firm in the assertion of the rights of the Native peoples.

INTRODUCTION

In the spring of 1977, a delegation of traditional Hopi leaders came to Washington, D.C. and asked for our assistance in their fight against a claim which was coming to a conclusion in the Indian Claims Commission. Speaking on behalf of the Hopi Kikmongwis (the traditional Hopi spiritual leaders of the various Hopi villages) they asked for legal help in stopping the claim proceedings. They had heard about similar legal work we had undertaken on behalf of the Six Nations Iroquois Confederacy, Lakota (Sioux) and the traditional Seminoles, who likewise were attempting to stop payment of claim judgments in order to preserve the underlying Indian land rights.

At first blush it may seem strange that these Indian peoples wish to prevent the United States from giving them money in apparent redress for past wrongful taking of their lands. The logic of their resistance becomes apparent only when it is understood that under United States law the payment of these claims is in effect a sale of the right to the return of the lands. In legal parlance, the payment threatens to "extinguish" Indian title to these lands. A particularly insidious and racially discriminatory doctrine of United States law gives the government the authority to extinguish Indian title to lands without due process and without any compensation whatsoever. The Supreme Court of the United States has recently upheld this extinguishment doctrine in the case of Tee-Hit-Ton Indians v. United States.

After consulting with the Hopi representatives 1977, we agreed to seek funding for research on behalf of the Hopi Kikmongwis concerning the claim which is known as the "Docket 196 Claim." We also agreed to investigate the work of the attorney who has prosecuted the Docket 196 claim in the name of the Hopi Tribe. Support from foundations and churches has permitted the Center to carry out this work.

Steven M. Tullberg, a Center attorney, has been primarily responsible for the coordination of the research and writing of the report. Brinton Dillingham, a Center investigator, was a principal researcher. They and other members of the Center's staff have spent many hours preparing this report. They have examined hundreds of files from the National Archives, the Bureau of Indian Affairs, and court repositories. They have studied a broad variety of primary and secondary source materials and interviewed a number of people familiar with the Hopi situation. Some materials were obtained through the Freedom of Information Act, and others were supplied by friendly sources. Through all of these efforts much new information was brought to light. Needless to say, many fruitless avenues were explored. More remains to be investigated, and our research is continuing even as this report is released.

Our report to the Hopi Kikmongwis is unique in that it relies largely on materials obtained from U.S. government files. Throughout the report there are

references to exhibits which are the source documents for quotations and factual statements. The exhibits are in effect documentary footnotes. These exhibits have been compiled into a bulky appendix which will be helpful to those who want to examine in depth the matters discussed in the report.

The report is a chronical of abuse which the traditional Hopi leaders have suffered at the hands of United States governmental officials and others. It graphically demonstrates the consistent and dogged opposition to the Docket 196 claim which the Kikmongwis and other traditional Hopi leaders have mounted over the past thirty years, and it explains the danger of extinguishment which payment of the $5 million claim award presents to the Hopi people. In sum, our report concludes that the Docket 196 case was initiated, pursued, and settled without any legitimate authority of the Hopi people.

In addition to the need to stop payment of the Docket 196 claim award, the report spotlights a number of other fundamentally important issues. One of these issues is the continuation of the rule of the Hopi Tribal Council, an organization representing the so-called "progressive" faction of the Hopis which was first created through a fraudulent election conducted by the Bureau of Indian Affairs. Faced with a traditional Hopi leadership which was unwilling to do the bidding of the U.S. government, the BIA deliberately subverted and undermined the authority of the Kikmongwis and other traditional leaders by establishing the Council and giving exclusive recognition to this alien governmental structure. The report makes clear that the United States government's desire to exploit Hopi mineral resources is the primary motive for the creation and maintenance of the Hopi Tribal Council, an organization which has, as requested, signed the leases authorizing the massive strip-mining of Black Mesa coal, an unthinkable outrage to traditional Hopi leaders. The same Council has agreed to the $5 million settlement of the Docket 196 claim case.

A second issue highlighted in this report concerns the continuation of the stripmining by Peabody Coal Company which has already created much destruction to Black Mesa, an area sacred to traditional Hopis and to many Navajos. The Hopi Tribal Council, its attorney and the BIA have agreed to sell these valuable coal reserves at a fraction of their true value to a far-off electrical generating station which supplies power to Los Angeles, Los Vegas and other parts of the Southwest. Billions of gallons of precious Hopi water are simultaneously being "mined" from aquifers deep below the surface of Hopi country in order to flush the pulverized coal to Nevada in slurry pipelines. Only the mineral companies, the lawyers, the U.S. government, and a small Hopi elite dominated by the "progressive" faction have made any gain from this destruction and waste.

A third issue demanding special attention involves the work of John S. Boyden, the attorney who has also been the BIA-approved general counsel for the Hopi Tribal Council. He worked with the BIA to create and sustain the Hopi Tribal Council over the past twenty-five years. This report documents that Mr. Boyden was in fact working for the very mineral companies strip-mining Black Mesa during the same period that they were doing business with his Hopi clients. The report documents an apparent conflict of interest so gross as to cry out for immediate investigation and action by all appropriate governmental and law enforcement agencies. If this apparent conflict of interest is conclusively established, there is even more reason why the traditional Hopis' demand to stop the strip-mining must be heeded.

These issues are among the most important of the many issues discussed at length in the report. They are part of the pattern of BIA colonialist policies and practices which a federal judge in a similar case has labeled "bureaucratic imperialism." Hopi complaints to Washington about such BIA mistreatment have repeatedly fallen on deaf ears.

It is the hope of those who worked on this report that the detail and documentation which are synthesized and provided to the Kikmongwis for the first time in this report might help stimulate a fresh look at the problems facing the Hopi people. The Center will continue providing legal assistance to the Hopi Kikmongwis in an effort to help rectify the past and ongoing abuses. It is our hope that the Hopi people may in the near future find themselves in a new era in which the Hopi Nation regains its full measure of sovereignty within the international community, including its right to self-determination, the right to control its own territory and resources, and the full protection of the human rights to which the Hopi people are entitled.

Robert T. Coulter
Executive Director
Indian Law Resource Center

A HISTORY OF DISHONOR

Although Docket 196 of the Indian Claims Commission was not officially begun until the filing of the petition in 1951, an understanding of the significance of this matter to hopi people today requires some knowledge of earlier Hopi history.

The hold of the Hopi Kikmongwis (the traditional Hopi religious leaders) and the Hopi people on their land and way of life reaches far back into time. Perhaps no other inhabitants of this continent have sunk deeper roots into their homeland. There is firm archaeological evidence that the Hopis have been continuous inhabitants of their land for well over a thousand years, and that the Hopi villages of Oraibi and Shungopavi may be the oldest continuously inhabited villages in North America. Hopi rights to their homeland clearly antedate the rights of all others who lay claim to it.

The first serious threat by outsiders seeking to dominate and subjugate the Hopis was presented in the early sixteenth century by the Spanish. The arrival of Coronado in 1540 signaled the beginning of 140 years of Spanish colonial rule. The Spanish Franciscan missions which were established in Hopi country in the early seventeenth century operated under the same brutal and repressive policies as those which characterized the Spanish Inquisition against the Moslems and Jews of Spain. The Spanish authorities sought to suppress Hopi religion and culture.

The Spanish lost their colonial hold on the Hopis when the Hopis joined the Pueblo Revolt of 1680 and drove the Spanish regime back into Mexico. In the 1690s, the Spanish renewed their effort to establish dominion over the Hopis and other Pueblos through the efforts of conquistador Don Diego de Vargas. De Vargas, together with other conquistadors and priests, successfully reasserted the authority of the Catholic Church in much of the territory of New Mexico. De Vargas was primarily a military leader, but the military authority of Spain was tightly fused with the religious authority of the Catholic Church at this period of Spanish history. This union of military and religious authority is demonstrated in a written plea for additional troops which de Vargas made to his superiors in 1693: "You might as well try to convert Jews without the Inquisition as Indians without Soldiers." Raw military power would be needed and used to convert the Pueblo Indians into Catholic colonial subjects.

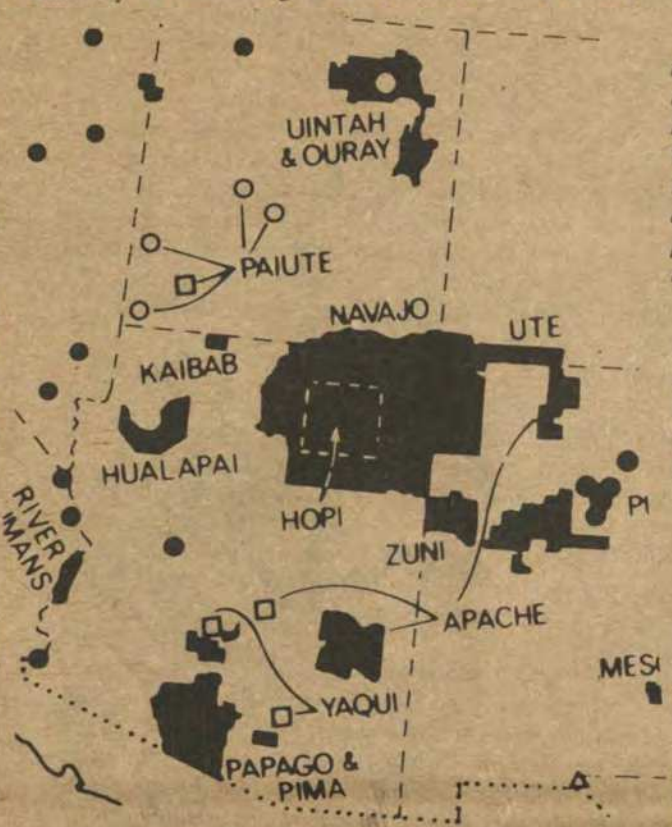
The Hopis were the most successful of the Pueblos in resisting the return of Spanish Catholic rule. They managed to maintain their traditional culture, religion and government through the following century during which the Spanish asserted dominion over much of the surrounding territory of New Mexico. Catholic missions and schools were never again built in Hopi country. In 1700, when the Hopi village of Awatobi permitted the return of Catholicism, it was sacked by the other Hopi villages. The Hopis would not allow the "slave church" back into their country. (At about this same time in history, the Hopis invited the Tewa Indians, who were fleeing from Spanish oppression along the Rio Grande, to live on First Mesa in Hopi country.) Despite continuing pressures for conversion and occasional depredations by the Spanish military, the Hopi people held fast to their religion, culture, and sovereignty.

Hopi land rights during this early colonial era were never seriously threatened since Spain acknowledged Pueblo Indian land rights and recognized the title which the Hopis and other Pueblo Indians had in their lands. Neither did the transfer of European claims to the territory of New Mexico from Spain to Mexico in the early nineteenth century pose a threat to the title which the Hopis held to their land The treaty between Spain and Mexico respected the property rights of all the Pueblo Indians, including the Hopis.

Likewise, there was no immediate repercussion in Hopi country when the European colonial claims to the territory passed from Mexico to the United States pursuant to the Treaty of Guadalupe Hidalgo (9 Stat. 922 [1848]) which ended the Mexican War in 1848. This treaty also guaranteed Hopi land rights. From the beginning of its asserted jurisdiction over the territory, the United States was legally bound by the engagements of the Treaty of Guadalupe Hidalgo to respect and protect the rights of the Hopi Indians to their land.

After the 1848 Treaty of Guadalupe Hidalgo, there was no immediate attempt by the United States to interfere with the independence which the Hopi people had enjoyed since the Pueblo Revolt of 1680. Not until the 1860s and 1870s did the first agents of the Bureau of Indian Affairs (BIA) begin to work in earnest in Hopi country. It was only then that the Hopi people were subjected to efforts of the United States to undermine Hopi self-government. From that time to the present, the United States government has carried on a systematic campaign to uproot Hopi culture, religion and traditional authority, as had the Spanish before.

In one most significant respect the rule of the United States government would prove to be even more callous and ruthless than that of the Spanish and Mexicans, for the United States would be the first colonial power to threaten the rights of the Hopis to the land which had been theirs for over a thousand years. This threat first became clear in the 1840s and 1850s when the United States authorized a massive invasion by its citizens of the Indian country west of the Mississippi River. After the discovery of Western gold and fertile soil, the United



States government declared that it was God's will, Manifest Destiny, that virtually all lands and natural resources from the Atlantic to the Pacific be taken for its white citizens and incorporated into the United States.

The Hopis were not spared the pressures which these white settlers and prospectors created on all Indian lands. Mormon settlers and other whites moved onto land which for centuries had belonged to the Hopis. Friction developed between these newcomers and the Hopis as some of the best Hopi farmlands were appropriated by the whites. The BIA agents became concerned that the white intrusion might cause trouble, that the Hopis might be "driven to the wall."

This direct white threat to Hopi lands was compounded by Navajo relations with the United States. While Hopi resistance to white intrusion was generally passive, their neighbors to the East, the Navajos, resisted the expansion of the United States with military force. To terminate this Navajo resistance, General James Carleton, Kit Carson, and the U.S. Cavalry began in the 1860s a military campaign which resulted in the capture of about eight thousand Navajos who were marched to a concentration camp near Fort Sumner, New Mexico. Here the survivors of the "Long Walk" were confined for about four years. However, thousands of Navajos avoided capture and internment by dispersing to lands further west, toward Hopi country, Thus, as a direct result of the military campaign, there was a dramatic increase in the number of Navajos in and around Hopi country.

When the imprisoned Navajos were finally released in 1868, they were left by the United States in a state of dire poverty. They were given only two sheep per person with which to support themselves and reconstruct their nation's economic base. The only government-approved land holding for them was a small, infertile reservation established by Executive Order of 1868 in northeast Arizona. Almost incredibly, the Navajos survived this ordeal and rapidly grew in number

The military campaign against the Navajos, their growing movement westward into Hopi country, their dire economic condition upon release from confinement, and their expanding population increased tensions between Hopis and Navajos. These problems were aggravated by the fact that the Hopis were primarily farmers who cultivated the soil while the Navajos were primarily herdsmen whose sheep were prospering. There was some competition among them over limited grasslands and water supplies, as there was among non-Indian dirt-farmers and ranchers throughout the West.

Despite these pressures and strains, relations between the Hopis and Navajos appear to have been generally friendly, characterized by both social intercourse and commercial trade. An 1884 report by the BIA Hopi Agent points out some of the elements of competition and cooperation which existed between these two Indian peoples at that time:

Quite frequently trifling quarrels arise between members of the two tribes; these are usually caused by careless herding of the young Navajos, who allow their herds to overrun these outlying Moki [Hopi] gardens.. The best of good feeling generally exists between these tribes; they constantly mingle together at festivals, dances, &c... [The Hopi] barters his surplus melons and peachers with his old pastoral neighbors for their mutton.

Although traditional Hopi leaders occasionally called upon the BIA to assume some responsibility for the growing Navajo presence in Hopi country, they were most immediately concerned about the increasing white settlements on prime Hopi farmland and the increasing interference of the United States government in Hopi affairs.

THE EXECUTIVE ORDER HOPI RESERVATION OF 1882

In 1882, the President of the United States designated by Executive Order a reservation for the "use and occupancy of the Moqui [Hopi] and other such Indians as the Secretary of the Interior may see fit to settle thereon." This order withdrew from white settlement and sale a rectangular-shaped reservation, about 70 miles long and 55 miles wide, within the boundaries of the present state of Arizona. It has been estimated that 1,800 Hopis and 300 Navajos lived within the boundaries of the Hopi Reservation when it was established in 1882. Its eastern boundary was the western boundary of the Navajo reservation as it had been extended by Executive Orders of 1878 and 1880 to accommodate Navajo expansion. The Executive Order creating the 1882 Hopi Reservation is the first of many laws which the United States would make over the next century to regulate and interfere with the affairs of the Hopi people and their land.

Although there are those who argue that the 1882 Hopi Reservation was created to resolve Hopi-Navajo disputes, this argument does not hold up when the historical facts are examined. Historical documents demonstrate that the 1882 Hopi Reservation was created at the urging of BIA officials who needed to have the area declared a formal reservation in order to give them legal authority over whites who were moving into the area and interfering with BIA programs.

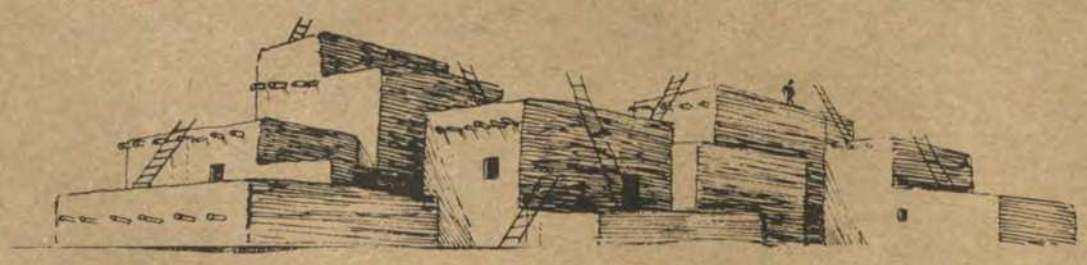
In the 1870s, the BIA field office responsible for Hopi affairs became increasingly concerned by the fact that Mormon settlers were moving onto some of the best Hopi farm land to the south and west of the principle Hopi villages. This concern is expressed in a report by BIA Agent W.B. Truax in a letter he sent to the Commissioner of Indian Affairs on September 25, 1876:

2 The Mormons are also encroaching upon them [the Hopis] on the West and South West. About five hundred of them have settled not far from the lands claimed by the Moquis [Hopis] & they are a peaceable, inoffensive tribe of Indians, their rights will be invaded with impunity, unless protected by an Agent. They would soon drive these Indians to the Wall.

Another report on Mormon encroachment was written by BIA Agent William R. Mateer to the Commissioner of Indian Affairs on May 1, 1879. His report asked for information about legal authority to take action to control this white intrusion.

2 Tu-bee, formerly a chief of the Oraibi Village, [Traditional Hopi leaders disagree with the suggestion that "Tu-bee" was a former chief of Oraibi. The encroachment of Mormon settlers on Hopi lands is, however, established historical fact.] is here and complains that the Mormons are intruding upon their farming lands an Moen Kappi and interfering with their planting. He states that his father planted there when he wns a boy as well as many other Oraibies and that it is their ground. At Moen-av-ee eight miles above, the same Canyon they had another place of planting where they lived during the summer. A few years ago Jacob Hamlin, one of the Mormon Apostles, came in there and asked permission to plant that season and water his stock, which was granted. In the spring when the Idnains returned to plant, as usual, they found other Mormons in possession and when they attempted to go to work the Mormons said, oh no! we have bought this place from Mr. Hamlin and you can't plant here... I would respectfully inquire whether there is not some law by which the Indians can be protected in their rights to lands, which they have cultivated for a century or more?

The Commissioner of Indian Affairs wrote back to Agent Mateer on August 14, 1879. In his letter he outlined the government's view of the relevant United States law: Since the Hopis had no recognized legal rights to their land under United States law, their lands had the legal status of "public lands." The Indian Agent had no legal authority to control, arrest, or evict whites found on these "public lands" unless and until the lands were designated as Indian reservation lands pursuant to United States law:



As the Moqui [Hopi] Indians occupy the public lands without any authority of law, the provisions of the statutes enacted by Congress for the protection of Indians in their occupancy of lands within a reservation, cannot be invoked to protect the Moquis, and remove and punish white settlers.

Thus only thirty years after having agreed to protect Hopi lands in the Treaty of Guadalupe Hidalgo, the United States government took the position that it could not control its own citizens who were abusing Hopi land rights because those rights were not protected by law! It need not be emphasized that treaties have always been the supreme law of the land under the United States Constitution.

It is also clearly implicit that the United States asserted absolute political sovereignty over the entire area ceded by Mexico in the Treaty of Guadalupe Hidalgo. The United States asserted general governmental authority over the territory, though the Hopi people had not assented to that authority nor ceded any of their own governmental authority by treaty or otherwise. Thus, the asserted legal authority of the United States over the Hopi territory was a bare arrogation of power, unsupported by any legal agreement, treaty, or other authority.

There were other whites besides the Mormon settlers who were vexing the BIA Agents in Hopi country. A few whites were living among the Hopis and supporting Hopi opposition to government programs. One of these programs to which many Hopis were openly hostile was a program for the education of Hopi children in boarding schools which were to be found as far away as Albuquerque, over 175 miles from the nearest Hopi village.

In a letter written by BIA Agent J.H. Fleming on November 11, 1882, an urgent plea was made for authority to evict the whites who were sabotaging the BIA's programs. The whites he specifically named were Dr. J. Sullivan and E.S. Merritt. According to Agent Fleming's letteer, the BIA Agent had threatened Dr. Sullivan with arrest unless he ceased all dealings with the Hopis. Dr. Sullivan apparently obtained legal counsel and informed Agent Fleming that the government had no power to arrest or remove him from the Hopi villages since the Hopis were not, according to United States law, on Indain reservation land. It soon became apparent to the Hopis that Dr. Sullivan and Mr. Merritt could thumb their noses at Agent Fleming with impunity. This loss of face was more than Agent Fleming could tolerate.

In Agent Fleming's letter to the Commissioner of Indian Affairs, he states that the Hopis "seem to regard [Dr. Sullivan] as a bigger man than the Agent, and my influence over them will be greatly weakened if not destroyed, unless this man can be effectually prevented from all intercourse with them." Fleming then recounts how Dr. Sullivan and Merrit had been undermining his compulsory boarding school program by allying themselves with hostile Hopis:

The Moquis [Hopis], now, say they do not want a school, and it is of no use to try to induce them to send their children to Albuquerque at present. They say the white men tell them the goods here were sent for them and not for the school, and, because I do not give them these goods, they believe they are being cheated out of them.

At the end of this letter Agent Fleming stated that unless he is given authority to evict these whites from Hopi country, he would have "no hopes of accomplishing anything." He threatened to summarily resign if not given the authority he demanded.

This letter brought an immediate response from Washington. The day it was received, a reply telegram was sent to Agent Fleming requesting a description of proposed boundaries for a Hopi reservation. One month later the proposed boundaries submitted by Fleming were accepted and became the boundaries of the Executive Order reservation approved by President Chester A. Arthur on December 16, 1882.

Five days later, on December 21, 1882, the Commissioner of Indian Affairs sent Fleming a telegram which reads as follows:

President issued order dated sixteenth, setting apart land for Moquis [Hopis] recommended by you. Take steps at once to remove intruders.

In a confirming letter sent the same day, the Commissioner included his directive about the newly gained power to evict unwanted whites from Hopi country:

The establishment of the reservation will enable you hereafter to act intelligently and authoritatively in dealing with intruders and mischief-makers, and as instructed in telegram before mentioned, you will take immediate steps to rid the reservation of all objectionable persons.

As soon as he had this supposed legal authority in han Agent Fleming asked the commanding officer of Fort Wingate to evict the unwanted whites from the Hopi villages.

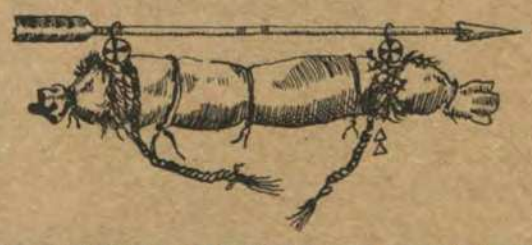
The history of these events shows that there is little support for the notion that Hopi-Navajo problems were behind the creation of the 1882 Hopi Reservation. The BIA wanted the area to be formally declared an Indian reservation in order to give the BIA agent legal authority over unwanted *white* intruders and "mischief-makers." Since the government already took the position that there was ample authority under United States law to handle disputes between Indian peoples *before* the reservation was established, the settlement of Hopi-Navajo problems was in no material way affected by the creation of the 1882 Hopi Reservation.

The BIA made no effort after the creation of this reservation to in any way reduce or restrict the numb r of Navajos on this reservation. In fact, Agent Fleming resigned and the Hopi Agency was closed up in a matter of weeks after the 1882 Reservation was created. The United States government continued its policy of favoring an increase of the Navajo population on the 1882 Hopi Reservation until, ononly fifty years later, the Navajos outnumbered the Hopis three to one.

Throughout the early decades of United States administration, the BIA adopted many hopeless stopgap measures for handling legitimate Hopi and Navajo needs. For example, in the 1870s BIA agents toyed with the idea of moving all Hopis from their mesa villages to a reservation along the Colorado River. In the 1880s and later in the early 1900s, there were several abortive attempts by the BIA to segregate Hopis from Navajos by creating a small, exclusive enclave for Hopis within the 1882 Hopi Reservation. The many other Hopi-Navajo measures which would be undertaken by the United States would all prove to be failures as a continuing (and some would say growing) controversy continues today between some factions of the Hopi and Navajo Nations.

The 1882 Hopi Reservation did offer the Hopis the benefit of legal restriction of further white settlement in part of their country, but ththe net effect of the creation of that reservation was a significant loss to the HoHopis. The United States Indian Claims Commission would later rule in Docket 196 that the creation of that reservation "effectively terminated and extinguished, without the payment of any compensation to the Hopi Tribe, its aboriginal tital claims to all lands situated outside of said reservation." Under United States law the Hopis suffered in 1882 a dramatic loss of at least 2,000,000 acres of land and a severe blow to their sovereignty. The BIA, on the other hand, gained additional legal authority under United States law to promote and controrol its program without opposition from whites who might interfere. In sum, the 1882 Hopi Reservation was not primarily intended to reserve and protect Hopi rights, but to augment United States power over the Hopis and their land.

The United States took this action despite the fact that the Hopis were never at war with the United States, were never conquered by the United States, and never signed a treaty with the United States. The Hopis never agreed to the creation of the 1882 Hopi Reservation and never authorized the United States to take any action which would in any way impair Hopi land rights or the right of the Hopi people to govern their own affairs.



FROM 1882 TO 1934: THE UNITED STATES INTENSIFIES ITS EFFORTS TO UNDERMINE HOPI SOVEREIGNTY

After the creation of the 1882 Hopi Reservation. the United States government intensified its efforts to influence and control all aspects of Hopi life. Some of the most important of these efforts are those pertaining to compulsory schooling, allotment, and Hopi-Navajo disputes.

COMPULSORY BOARDING SCHOOLS FOR HOPI CHILDREN

An important part of the United States governmen program to subjugate Indians was its program of compulsory attendance at government-sponsored boarding schools for Indian children. This program was put into effect for Hopis as it was for many Indian children throughout the continent. The purpose of having the schooling of Indian children take place at boarding schools, far away from Indian homes, was to minimize parental influence and thereby facilitate the "Americanization" of the children. This motivation is made evident in an 1884 report from the BIA Hopi Agent to the Commissioner of Indian Affairs:

Keams Can[y]on is 12 miles east from the Moki [Hopi] village. The Children being removed to school at this place it would preserve them from the annoyance and interruption of daily visits from parents and relatives.

Although Keams Canyon was not as far from parents as the proposed Albuquerque school which Hopi parents had resisted with the assistance of Dr. J. Sullivan and Mr. Merrit in 1882, it was far enough removed in that pre-automotive age to allow the government teachers a fairly free hand.

The Keams Canyon boarding school was opened in 1887. It was a boarding school designed to strip Hopi children of their culture. They were forbidden to speak the Hopi language, to wear Hopi clothes, and to keep their traditional long hair styles. They were given English names to replace their Hopi names and were not allowed to practice Hopi customs. Taking up where the Spanish priests had leleft off, the school officials forced the Hopi children to undergo religious indoctrination conducted by Christian missionaries who had been approved by the United States government.

The tradition of resistance to such policies which had begun under Spanish rule continued under this threat from the United States. Passive resistance to school attendance was widespread and the BIA took severe measures. To overcome the resistance, United States Cavalry units were sent into Hopi villages. Children were literally torn from the arms of their parents by soldiers soldiers who were assigned to haul the captive children to the boarding school. Resisting parents were assaulted and, in some cases, given criminal punishment. In 1894, nineteen Hopi men were imprisoned for eight months for refusing to agree to the surrender of their children to this United States school system. From 1890 to 1911, United States troops were periodically called upon to enforce the compulsory schooling edict. Within the next two decades, more convenient and less oppressive day schools were established for Hopi children and most resistance to schooling ended, although the boarding school policy remained a central part of the BIA's general policy well into the 1930s.

Using divide-and-conquer tactics, the U.S. government officials of the BIA labeled as "Hostiles" those Hopis who resisted the government's policies and practices. Those Hopis who were willing to cooperate were labeled "Friendlies." Government patronage, support, and favors went to the "Friendlies," but not to the "Hostiles" (who not infrequently were jailed). These tactics created serious rifts in Hopi society. Perhaps the most dramatic and well-known of these rifts is the confrontation between "Hostiles" and "Friendlies" which resulted in the split of the village of Oraibi in 1906. Countless other disputes erupted as the United States routinely required Hopis to choose between allegiance to United States programs and fidelity to traditional Hopi authority and values. In later years, the labels "Hostiles" and "Friendlies" would be replaced by the labels "Traditionals" and "Progressives."

THE ALLOTMENT ACT

Moving into an area of colonial rule which the Spanish and Mexicans had left untouched, the United States soon began to assert dominion and control over Hopi property rights. As already discussed above, the very act of creating the 1882 Hopi Reservation has been deemed by some U.S. governmental authorities to constitute under U.S. law a taking and extinguishment of all Hopi aboriginal lands lying outside the reservation boundaries.

In 1892 the United States government began to move against Hopi land holdings within the 1882 Hopi Reservation. In that year, officials of the BIA sent out their survey crews to implement the infamous Allotment Act of 1887, also known as the "Dawes Act," named after its sponsor, a congressman who favored "breaking up the tribal mass" of all Indians by forceably dividing up all communally-held Indian lands into small, individually held Indian homesteads. The theory was that these individual Indian land owners would become small farmers who would learn the value of competitive selfishness which would make them better Americans.

The allotment policy was a direct assault on the sovereignty and unity of all Indian governments. Its impact on many Indian tribes and nations was devastating. Because of the Allotment Act, over two-thirds of all Indian land was lost to whites. This loss was principally due to the fact that under the Act, all Indian lands not alloted to Indians in individual, 160-acre parcels was labelled "surplus" and sold to whites by the federal government.

When the United States finally abandoned the allotment policy in 1934, the Commissioner's report to Congress (which called the Allotment Act the "backbone of Indian law" from 1887 to 1934) included these specifics on the effect of allotment in the Indian community:

The total of Indian landholdings has been cut from 130,000,000 acres in 1887 to 48,000,000 acres in 1934... Furthermore, that part of the alloted lands which has been lost is the most valuable part of the residual lands, taking all Indian-owned lands into account, nearly one half, or nearly 20,000,000 acres, are desert or semidesert lands.

In Hopi country, the government attempted to survey and allot land to individual Hopi families from 1892 to 1911 when the effort was finally abandoned. During these two decades, the Hopi people almost uniformly refused to cooperate in the surveying and parcelling out of their land. The Kikmongwis all opposed allotment. Their resistance was too strong for the United States to overcome. When the allotment surveyors, the Hopis pulled their survey stakes out of the ground. Forced allotment proved to be an unworkable policy in Hopi country because communal land tenure was tightly interwoven in the fabric of traditional clan structures and religious beliefs. That traditional fabric of Hopi culture remained too strong to be destroyed despite the best efforts of the BIA, and the Hopis were spared the disaster of allotment.

One commentator notes that other Indian peoples shared the benefits of the Hopis' successful resistance to allotment:

The Third Mesa Hopis' resistance appears to have saved not only the Hopi but also the other Pueblos, the Navaho, the Mescalero, White River and San Carlos Apache, and the Papago, from allotment and its disastrous consequences [Laura Thompson, Culture in Crisis *(New York: 1950), p. 197].*

THE HOPI-NAVAJO ISSUE

Again, there are those who argue that the United States interference in Hopi affairs was motivated by a good faith desire to resolve Hopi-Navajo differences. The historical record does not support these arguments. Policies of the United States have exacerbated Hopi-Navajo problems rather than resolving them. The United States met the need for more land for the growing Navajo nation by extending Navajo reservation lands in a series of Executive Orders which increased Navajo pressures on Hopi land. Presidential orders of 1878, 1880, 1884, 1900, 1901, and 1907 expanded the Navajo nation until it almost completely surrounded the 1882 Hopi Reservation. By 1934 the 1882 Hopi Reservation was an island in the Navajo Nation. The lands which the United States designated for the Navajos incorporated all of the aboriginal Hopi land which was found outside the Hopi Reservation and which has been said to have been taken at the time the reservation was created in 1882.

Hopi aboriginal land which lies outside both the 1882 Hopi Reservation and the Navajo Reservation was given over to white settlement by the United States government, again without the consent of the Hopies and without any compensation.

As the white population of the southwestern United States expanded, there was a growing demand to stop the "return" of lands to Indians, including the Navajos. This demand led the United States Congress in 1918 to enact a law forbidding the creation of any additional Executive Order reservations in New Mexico or Arizona. Henceforth, only Congress could designate Indian reservation land in this area. [25 U..S.C. 211. In 1927 Congress prohibited the creation of Executive Order Indian reservations anywhere within the geographical boundaries of the United States. 25 U.S.C. 398(d).] Since any new Indian reservation would require the approval of Congress, it became less and less politically acceptable for the United States government to meet Navajo needs for more land. Rather than continue the past practice of adding more lands to the Navajo reservation, the United States found it more expedient

to relieve some of the pressure of the expanding Navajo population by encouraging Navajos to move onto the 1882 Hopi Reservation.

Despite the fact that the 1882 Executive Order explicitly gave the Secretary of the Interior the legal authority and complete discretion under United States law to approve or disapprove the settlement of "other Indians" on the Hopi Reservation, it was not until 1936 that further Navajo settlement in the 1882 Hopi Reservation was in any way officially curtailed. By that time the number of Navajos in the area far exceeded the number of Hopis. It is estimated that by 1930 some 3,319 Navajos resided in the 1882 Hopi Reservation, a total eleven times greater than the number of Navajos who lived there in 1882.

Traditional Hopi leaders were convinced that the United States would not resolve Hopi-Navajo problems, and they were fearful that United States intervention in this problem would furthere undermine Hopi sovereignty. Accordingly, they gave little cooperation to BIA programs which were ostensibly designed to alleviate Hopi-Navajo disputes. Rather, Hopi leaders argued that they woudl themselves eventually be able to reach a just settlement with the Navajos on the basis of agreements which had been made between Hopi and Navajo leaders after the release of the Navajos from Fort Sumner in 1868. It would not, however, be possible to come to a just settlement if the United States continued to exacerbate the problem by encouraging further Navajo settlement on Hopi land.

A more thorough history of Hopi resistance to United States efforts at domination during the fifty-year period after 1882 would include discussion of more than Hopi resistance to compulsory boarding schools, allotments, and intervention in Hopi-Navajo affairs. Since the BIA program pervaded almost every aspect of Hopi life, including prohibitions on Hopi religious beliefs and practices, there were repeated instances where Hopi leaders were imprisoned for refusing to follow the dictates of the various U.S. Indian officers. Their offenses included everything from general insubordination to refusal to submit to induction into the United States military service.

The lesson which these early confrontations with the United States tought to traditional Hopi leaders was clear: The United States was prepared, willing, and even eager to treat the Hopi people as colonial subjects and to completely ignore Hopi governmental and property rights. These Hopi leaders determined to maintaint heir culture and sovereignty by mounting sustained resistance whenever new efforts were made to interfere iwith Hopi affairs. This determination set the stage for Hopi resistance to the new United States Indian program of the 1930s, a program which would have direct relevance to Docket 196 of the Indian Claims Commission.

INDIANS HOPE TO SHIFT MORMON VIEW OF THEIR SKIN COLOR

by John Dart
Los Angeles Times
italics

And he had caused the cursing to come upon them, yes, even a sore cursing, because of their iniquity... wherefore, as they were white, and exceeding fair and delightsome, that they might not be enticing unto my people the Lord God did cause a skin of blackness to come upon them. (2 Nephi 5:21)

And the Gospel of Jesus Christ shall be declared among them... and their scale of darkness shall begin to fall from their eyes; and many generations shall not pass away among them, save they shall be white and delightsome people.
(2 Nephi 30:5-6)
from the BOOK OF MORMON

The Mormon Church, second only to the Roman Catholic Church in winning American Indian converts, has had success in that area despite its scriptural assertion that as members the "curse" of the Indians' dark skin is removed and they become "white and delightsome."

The Book of Mormon passages above, which also seem to equate dark skin with loathsomeness and filth, are embarrassing to some Mormons, including many of the 45,000 Indian members.

Unlike Mormons of black African descent who were denied the male priesthood of the church until last year, the American Indian members have always been eligible for positions in the church hierarchy.

Navajo elder Geroge P. Lee, appointed three years ago to the First Quorum of the Seventy, is proof of that. At 35, he is the youngest of about 60 "general authorities" of the Salt Lake City-based church.

Lee said he has seen his own people "get upset" over the skin-shading teachings. "The Indian people who belong to the church really don't want to have their skin color changed; they like being brown," Lee said in an interview. "So we try not to teach them that."

Lee said his own interpretation of the Mormon scriptures is that while an Indian ressurection into the "celestial kingdom" that one's skin color changes to white, a dazzling white borne by all.

However, the man who has headed the church since 1973 as prophet and president, Spencer W. Kimball, 83, long has held that there is a physical change occurring in Indian members.

Son of a missionary to Indians in Arizona, Kimball directed the church's Indian committee for a quarter century. He helped start the adoption-like Indian Student Placement Program. Today more than 2,700 Indian children (at least 8 years old and baptized Mormons) live off reservations with white Mormon families and attend public school.

Kimball told the church's fall conference in 1960 that, "The children in the home placement program in Utah are often lighter than their brothers and sisters in the hogans on the reservations."

For support, Kimball cited photographs showing skin color differences and anecdotes of foster parents.

Kimball reaffirmed his belief during an interview last year. He suggested the alleged transformation results from the care, feeding and education given to Indian children in the home placement program.

"When you go down on the reservations," he said, "and see these hundreds of thousands of Indians living in the dirt and without culture or refinement of any kind, you can hardly believe it. Then you see these boys and girls playing the flute, the piano. All these things bring about a normal culture."

Kimball said he did not know of any scientific studies to examine his claim. "You need scientists to prove it, I guess," the church leader said.

A faculty member at Mormon-run Brigham Young University, who would permit himself to be identified only as a "scientist at BYU," said:

"It's a problem we ignore and have very little occasion to address. My suspicions are that it would take an unusually credulous person to even bring up the subject in a science class."

The assertion that Indians become "white and delightsome" applies to all the people the Mormons call Lamanites – Mexicans, Latin Americans, Hawaiians, and Polynesians as well as American Indians.

The Book of Mormon says early inhabitants of the Western Hemisphere were immigrants from Israel about 600 B.C.. A rebellious leader named Laman incurred the wrath of God, and his descendants were cursed with a dark skin.

Some who believe in the Book of Mormon – scriptures said to have been delivered on metal plates to Joseph Smith in 1827 – interpret the "white-dark" verses figuratively – that converts become "enlightened."

However, the meaning of the text appears to be literal. A passage describing a time when some Lamanites repented of their sins, for instance, says: "And their curse was taken from them, and their skin became white..."

Stweart A. Durrant, of Salt Lake City and director of the Mormon Church's Lamanite and minority program, said he thinks Lamanites in the church are becoming lighter but he added that he is not sure it is not simply his imagination.

"I think you can be delightsome and not white in skin color," Durrant said.

He conceded that the Book of Mormon verses do bother some American Indians. "They don't want to be light," he said. "But I've never found this to be a factor (in mission work). It's brought up by people who want to say something controversial."

American Indian membership in the Mormon Church in the United States and Canada has risen by about 1,000 annually in the last half dozen years. The latest figures from Salt Lake City showed 43,680 Indian members in 1976 and an estimated 44,900 by the end of 1977.

A recently completed survey of Christian missions among Indians placed the Catholic population at 177,000 The largest memberships, after the Mormons, were Southern Baptists (36,000), Russian Orthodox in Alaska (22,000), Episcopalians (19674), and Methodists (14360), according to the Native American Christian Community, published by World Vision International.

In an open society, one can hold whatever thoughts one has about other persons, races, or colors of people, even if such thoughts could accurately be labelled "racist," But when policies which reflect racism are actively and aggressively enacted through programs and institutions – such as the Indian Student Placement Program – then such actions are, and should be, viewed as potentially genocidal acts. While it is true that the Mormon Church is one of the few remaining forms of Christianity that still openly adheres to ancient racist doctrine, it should not be considered acceptable, even though it supposedly comes through "divine revelation" or because it comes from a Church. Such attitudes and practices should be openly criticized and challenged. – The Editors

NATIVE AMERICAN PEOPLES ON THE TRAIL OF TEARS ONCE MORE

(Mark Miller, Judith Miller and Chris Szechenyi are free-lance writers currently based in St. Louis. This article first appeared in the December 9, 1978 edition of AMERICA magazine, and was forwarded to NOTES by the authors, to whom we are indebted.)

The year was 1930, "kid catching" season on the Navajo reservation. The time had come to round up the children for the distant Government boarding schools. But Navajos who lived far back in the mountains dreaded this season and hid their children at the first distant rumblings of the approaching truck. So stockmen, police, farmers and other mounted men were sent out to round up the Indian children.

When the children were finally caught, often roped like cattle, they were torn from their parents and then sent away to the white man's schools. Often children were transferred from one boarding school to another, given a white man's name and forbidden to speak their language. When children were sent away to these distant schools, they were not permitted to return home to their reservation for three years. Some of them were never to return at all.

During the 1960s, "kid catching" was no longer acceptable. Mounted stockmen, police and farmers had vanished and were no longer the people most feared by the Indian community. Instead, these child rustlers were replaced by the welfare worker. A general and pervasive wave of fear is typical at the first sign of the caseworker's new car pulling up into the yard near the beginning of the school year.

The purpose of the construction of the first boarding school on the Navajo reservation, as stated in its charter in the 1890s, was "to remove the Navajo child from his savage parents." This statement reflects the sthinking of many non-Indians who are convinced that Native people are incapable of managing their own lives. But Indians have taken care of themselves from the time they first migrated to this land, many thousands of years before the white man "discovered" it. The Bureau of Indian Affairs continues to operate 75 boarding schools that educate 17 percent of all Indian children. In the school census for 1971, the BIA indicated that 34,538 children live in institutional facilities.

Indians are continually faced with social workers who misjudge Indian culture. These social workers assert that poverty, substandard housing and lack of modern plumbing constitute neglect. But Indian children removed from their families fare worse in boarding schools, where they are provided with no parent substitutes. Federal Indian boarding schools are often understaffed. Children live in massive, drab buildings where the ratio of children to adults is 80 to 1 or worse. No one person could be an adequate substitute parent to so many children at once.

Some boarding schools are notorious for their "brutality" and "psychological warfare" on Indian children. One model dormitory project, however undertaken by the BIA, the Indian Health Service (IHS) and an Indian community, worked. This project provided a largely Indian staff of adequate size to make dormitory life more of a substitute for family life. Children in the model school did better than those in the control school on measures of intellectual, emotional and physical growth. This model school has now been closed.

An Association of American Indian Affairs study shows that 25-35 percent of all Indian children are taken from their families and placed in foster homes, adoptive homes and institutions. [Former] Senator James Abourezk (D., S.D.), who chaired a Senate subcommittee on Indian affairs, told the committee that the Federal Government "has allowed these agencies to strike at the heart of Indian communities by literally stealing Indian children... It has been called cultural genocide." Indian children may be taken from their families with no advance warning, and often the methods are fraudulent. According to Senator Abourezk, "officials would seemingly rather place Indian children in non-Indian settings."

Indian parents may even be coerced into releasing their children for adoption. Mrs. Cheryl DeCouteau, a Sioux, left her small son with a babysitter, only to return to find that he had been taken for placement into a foster home. When Mrs. DeCouteau had given birth to a second baby, the welfare office called her over to sign some papers. Mrs. DeCouteau explained: "I was kind of sick then and I didn't know what I was signing... They took the baby and I asked him what he was doing, and he said it was too late now, that I had given him up for adoption." Mrs. DeCouteau fought the case in court and won both children back.

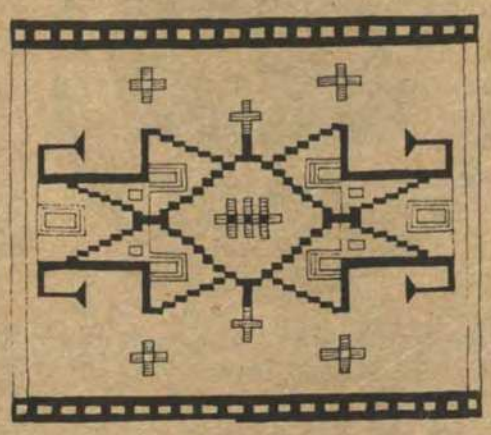
Some social workers do not understand the Indian extended family, and believe that a child has been abandoned if left with someone outside the nuclear family. But an Indian child might be left with any close relatives who are members of his extended family. According to Dr. Joseph Westermeyer of the department of psychiatry at the University of Minnesota: "They [social workers do not work to keep the family intact. They do not use the extended family resources."

Indian children raised in non-Indian homes, he added, frequently show chronic insecurity, free-floating anxieties, panic reactions and difficulty adapting to family life and adulthood. They may adjust but, he notes, adolescents discover that "society will not grant them the white identity they have. At the same time, they find that society is putting on them an [Indian identity they do not possess." He believes that the best adjusted Indians have the strongest identity with their own culture.

Indian families request foster children, but they are generally ignored. Instead, the BIA and the Department of Health, Education and Welfare allocate funds to state agencies for foster care, thus subsidizing the removal of Indian children from their homes. Indian community leaders have stated that Federally subsidized foster-care programs prompt some non-Indian families to start "baby farms" to supplement their incomes with foster-care payments. Some non-Indian families have had as many as 12 children under foster-care contracts. Birt Hirsch, an Association of American Indian Affairs attorney, asserts: "One of the main troubles with agencies is that they are in the business of placing kids... They feel obligated to serve the applicant rather than the Indian parents or children." In 1975, the number of Indian children adopted annually had more than doubled over a five-year period.

On April 1, 1977, Senator Abourezk introduced Indian Child Welfare Bill, which would eliminate the abusive child-welfare practices that result in unwarranted Indian parent-child separations. In reference to such abusive Indian child-welfare practices, Dr. Westermeyer has written: "Truly, our institutions have forced these people to march to a modern Trail of Tears."

Forcible removal of Indian children from the



reservation is not the only threat to the perpetuation of the Indian people. There is the question of population control. There are 16-year-old Indian girls who refuse to go into a hospital for fear of being sterilized. According to Dr. Connie Uri, a Chocktaw-Cherokee physician currently attending law school, "It's really sad that they think they can solve the Indian problem by sterilizing... We're not a threat – one million Indians. What kind of a threat are we?"

The Indian birth rate was on the rise a few years ago. It was the fastest growing segment of the population, increasing at a rate nearly three times the national average. Native people were restoring a population ravaged by the U.S. Cavalry and diseases brought over from Europe. The Indian population had plunged from about 13 million when Columbus "discovered" this side of the world, to only a few thousand at the turn of this century. Now their numbers have risen to a scarcely formidable one million people. This upward trend, however, has been checked. According to Dr. Uri, more than 25 percent of all Indian women have been sterilized since 1962. There are only 100,000 Indian women of childbearing age who have escaped sterilization. Dr. Uri found that at one IHS hospital in Claremore, Oklahoma, for every four Indian babies born, one woman was sterilized. Marie Sanchez, Chief Cheyenne Tribal Judge, believes that the number of Indian women sterilized on her reservation in Lame Deer, Montana, is 20 percent or higher.

This shocking situation appears even more sinister when the peculiar situation of the Native people is understood. According to Judge Sanchez, a program of sterilization among a population of 200 million "isn't going to wipe out the country, but in such a small group, it will wipe out Indians. Sterilization cannot be the preferred form of birth control for minority groups." The dangers inherent in the situation are clarified by Dr. Uri when she says: "We are not like other minorities. We have no gene pool in Africa or Asia. When we are gone, that's it."

Evidence shows that many Indian women were sterilized under coercion or after they were given misinformation. Investigations into this horror began several years ago when Dr. Uri found a number of Indian women who had been sterilized without understanding what was involved. Her findings led Senator Abourezk to urge the General Accounting Office to make a study in 1976. IHS records revealed that 3,406 sterilizations had been performed without the patients' "informed consent." Investigators did find consent forms for most of the sterilizations, but the patients had not been adequately informed of their rights. The IHS had failed to follow a U.S. District Court order that patients be orally informed that no Federal benefits can be withdrawn or withheld if they refuse the sterilization. Sources close to the investigation say that this information is crucial because some Indians believe that they must cooperate or they will lose their Federal benefits.

Thirty-six of the sterilizations were performed on women under 21 years of age, in direct violation of the provisions of the 1974 court order that prohibits such operations on minors. The court-ordered moratorium against the sterilization of minors had come too late for some. According to Bertha Medicine Bull of the Northern Cheyenne tribe, two girls had been sterilized at

ge 15 before they had yet had children. Both were having appendectomies when the doctors sterilized them without their knowledge or consent.

Indian girls as young as 15 have had complete hysterectomies, a radical operation that hardly ever has a valid medical reason at that age. Yet other Indian women in their early 20's have had hysterectomies as their form of birth control.

One explanation for the frequency of this operation among the young is purely financial. In New York and other large cities, a hysterectomy costs up to $800, while a simpler operation, a tubal ligation, brings only $250 to the surgeon. The hysterectomy, then, is more lucrative. Private physicains under contract with the IHS continue to be reimbursed per sterilization. They make several hundred dollars for each tubal ligation or hysterectomy they perform.

Many IHS physicians are young. They are attracted by an opportunity to complete certain requirements necessary for specialized certifications. Perhaps nowhere else could an aspiring young surgeon dream of performing so many hysterectomies in so short a time in order to be certified as a gynecologist.

That Indian women have been coerced into having unwanted and unwarranted sterilizations at IHS hospitals and contract facilities is substantiated by the failure of physicians to obtain the necessary informed consent from their patients before the operation. Tubes once "tied" cannot be untied, despite the absurd avowal to the contrary by certain zealous doctors who assure their patients that the sterilizations need not be permanent.

Family-planning services for the IHS beneficiary population actively began in fiscal year 1964. According to a pamphlet, "A Computerized Projected Analysis of the IHS Family Planning Program," written by Dr Gerald Portnoy for the IHS, Indian women in the childbearing ages have come to use two types of contraceptive methods chosen by the IHS, the intrauterine device and the oral contraceptive. This document was written in 1968, and there is no mention at all of sterilization being urged as a contraceptive method. But sterilizations had begun *before* this date. The first case of coerced sterilization that Dr. Uri discovered had been performed in 1966. The IHS Family Planning services does not even mention the term sterilization in this document, although it was obviously performing them at this time.

If the IHS has nothing to hide, then why is it hiding these sterilizations? Perhaps it fears the same enraged response from the public that it received from three religious agencies, including the National Council of Churches, when the General Accounting Office report was released. These religious groups issued an angry statement from New York calling the sterilization practices "gross violations of human rights" and "a form of genocide."

Although such enthusiastic promotion of birth control has been instigated by policy planners, the IHS has projected that the total American Indian and Alaskan native population will continue to increase at a rate of about 25 percent in 10 years at the current contraceptive use-rate of 30 percent. The population will continue to increase steadily even in the unlikely event that the birth-control use-rate – the use of oral contraceptive and the I.U.D. – exceeds 80 percent. Could this be the reason that the I.H.S. has resorted to the coerced sterilization of thousands of Indian women?

Doubtless there are well-intentioned but misguided individuals who sincerely believe that the solution to the Indian problem is the elimination of the Indian. But would not the elimination of the Indians' appalling state of poverty be a far more humane solution to these problems than the annihilation of an entire people?

The real problems of the Native people stem from the fact that they constitute the poorest minority group in the United States, with 40 percent below the poverty line as compared with 13.7 percent of Americans, according to the 1973 Census Bureau statistics. Studies have shown that for families at such an income level, the more wage earners in the family, the greater the chance of escaping from poverty. The IHS policy planners appear to be on the wrong track altogether when they try to relieve the poverty of Native people by forcibly reducing the size of the family.

Unless the current policy of sterilization is changed, the Indians are doomed. "Put them under the Fish and Wildlife Service," Senator Abourezk ironically suggests, "and declare them an 'endangered species' along with... the yellow scissor-tailed flycatcher."

If it were possible for Native people to be declared an "endangered species," they would be the recipients of certain advantages that are now denied them and that would ensure their survival. When threatened with extinction, no Federal program can infringe on the "critical habitat" of the endangered species, which it requires in order to survive. Violation of this law is a felony.

The very survival of the Native people is in danger, and the irony of their situation is cruel. While the IHS has experienced no difficulty in raising sufficient funds to sterilize thousands of women, the limits placed on money available for real health care are severe. Federal funds appear to be always available to maintain Indian boarding schools, or to subsidize the removal of Indian children from their families, but not to raise the standard of health care available to Indians, a standard that is, in fact, appalling. One IHS physician testified before a Senate subcommittee a few years ago that on his reservation, "people die from treatable, curable diseases... These would not be tolerated anywhere else in the United States. Here it is a way of life."

In a December 1973 report of the American Medical Association's Council on Medical Services, entitled "Health Care of the American Indian," certain observations were presented: Indians are full citizens of the United States, and are entitled to the same rights and privileges as other citizens, whether they live on or off the reservation. In addition, Indians living on the reservation have a special relationship with the Federal Government, derived from treaties and other obligations that authorize them to receive services for the improvement of their general health and welfare. Most nonreservation Indians reside on small ranches or in urban slums and suffer from inequities in health and health-related services. But Indian people in general, whether they live on or off the reservation, are low-income individuals, geographically and culturally segregated from non-Indian society. Native people usually live in substandard housing, and are faced with generally inadequate health-care resources.

The IHS provides most of the health care on the reservation. Many reservation health facilities are in need of modernization and replacement. More than half of the IHS hospitals do not meet accreditation requirements issued by the Joint Commission on Hospitals. Primary barriers to accreditation are the physical conditions of the facility and insufficient staffing. Only 31 of 50 IHS hospitals meet national fire and safety codes. About one-half of hospitals, four-fifths of hospital outpatient clinics and one-half of clinics meet only 80 percent of the staffing standards for their particular services. Fifty-seven percent of necessary dental services, and 98 percent of hearing-aid requirements have not been met. Staffing ratios of health professionals to reservation populations is low when compared with national ratios, and recruitment is difficult. Turnover rate in the IHS is about 75 percent every two years.

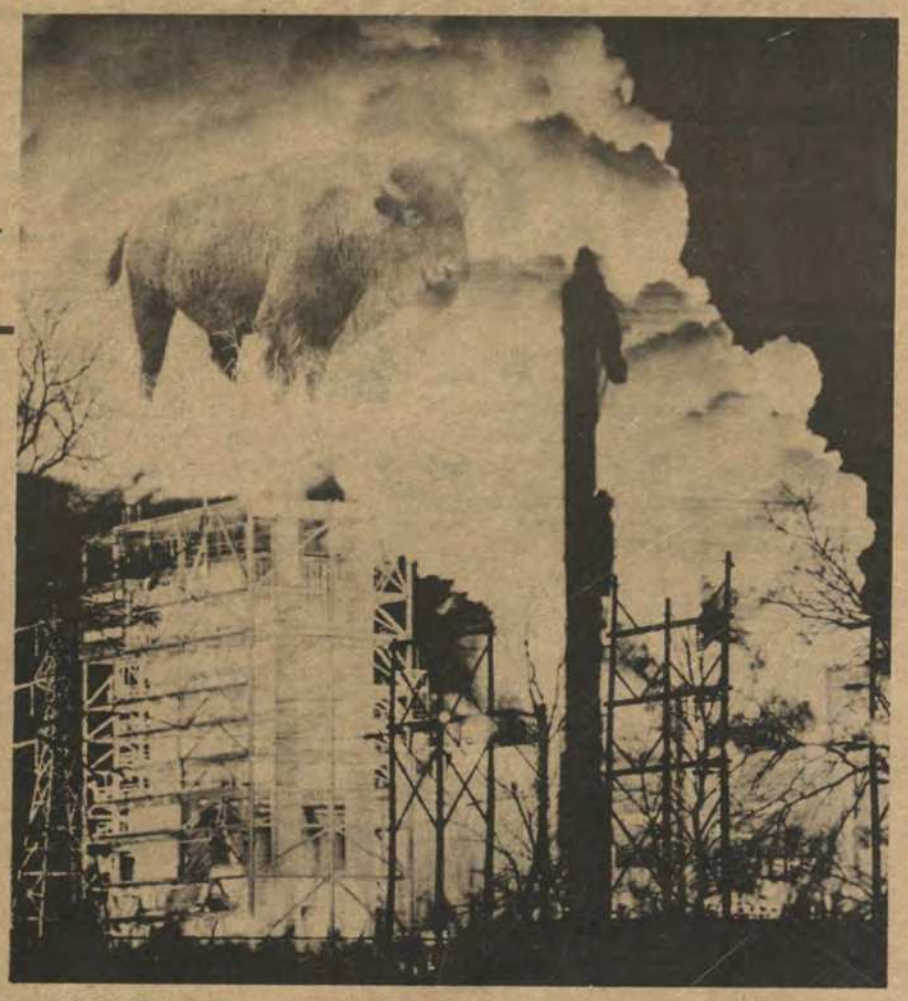
The general health of Indian people is endangered by lack of safe water and sanitary waste disposal services. Per capita expenditures for health care are 30 to 40 percent less than those in the average American community. Perhaps it would be constructive to rechannel some of the moneys so readily appropriated to maintain a massive sterilization program for Native women, into facilities that could improve the general health of the Indian people.

The prospect of improved Indian health care seemed brighter when the Indian Health Care Improvement Act came into existence. This act set forth that it is the Federal Government's duty to provide "the highest possible health status for Indians." Originally drafted as a $1.6-billion seven-year plan, the act was opposed by both HEW and the Ford Administration. The act, in its final form, required $475 million to be allocated in the next three years for improving IHS hospitals and clinics, repairing poor sanitation facilities on the reservations, educating Indian medical professionals and drawing other health-care personnel into Indian communities.

But the bright prospects of the Indian Health Care Improvement Act have quickly dimmed. Although it was passed by Congress, signed by President Ford, and is now law, this piece of legislation has yet to go into effect. When President Ford left office, he failed to allocate money for it, and President Carter has relegated to a low priority the appropriation of funds to upgrade Indian health care. According to this new law, the Government admits that Indian health care lags an appalling 30 years behind the rest of the nation, and it promises to do something about it. But the Indian people are still waiting for something to be done. Native people are not demanding better health care than other citizens of the United States; they are only asking for the same.

If the United States cannot provide the first Americans with health care equal to that of other citizens, then perhaps one suggestion made by D. Everett Rhoades should be taken seriously. Dr. Rhoades, an Indian and chairman of the Indian Policy Review Commission Task Force, a joint Congressional body, remarked in his address before a Congressional hearing on the Indian Health Care Improvement Act that "the American Indian has purchased a prepaid program by the largest real-estate transaction in the history of the United States. If the United States cannot afford the provisions of health and other benefits, then we would be happy to have our lands returned.

THE POLITICS OF ENERGY vs. THE AMERICAN INDIAN



AT STAKE: NORTHERN CHEYENNE - 1.5 Trillion tons of coal;

JICARILLA APACHE - 2 Trillion cubic feet of natural gas, and 154 million barrels of oil

FOUR CORNERS POWER PLANTS - At full output will use 94 million tons of coal per year

("The Politics of Energy vs. the American Indian" by Mark and Judith Miller first appeared in the March 1979 edition of USA TODAY, and was forwarded to AKWESASNE NOTES by the authors, to whom we are grateful. – Ed.)

The New Mexico town of Shiprock is part of the Navajo Indian Reservation. Shiprock's 900 inhabitants live in cinder block housing projects or impoverished wooden shacks. On the outskirts of town, the once-active uranium mine is boarded up. Until it closed in 1969, the mine supplied the Atomic Energy Commission's massive nuclear weapons program. One hundred Navajos worked in the poorly ventilated mine, bringing uranium out in wheelbarrows. Workers did not stay out of the mine long after blasting and the mine was filled with uranium dust.

The Navajos knew what was happening, but didn't speak up out of fear they would be fired if they did so. By 1974, 18 miners were dead of lung cancer and another 21 had the same small-cell cancer known to be the sign of heavy radiation exposure. Neither the Atomic Energy Commission, the Bureau of Indian Affairs (BIA), nor other government agencies responsible for the mine took precautions to keep the shafts operating at safe radiation levels, according to *Washington Post* reporter Amanda Spake.

Kerr-McGee, an Oklahoma-based oil-uranium collossus, ran the mine under government sanction for the greater part of the mine's existence. The company refused to answer inquiries about its protection of the health of the miners. Workers were underpaid and the families of dead miners had trouble obtaining workmen's compensation payments.

Who is to blame for the suffering endured by miners who labored under conditions which did not take into account their health and safety? Investigations led into the tangled depths of government bureaucracy. Each agency claimed that another should bear responsibility for the disaster. Although the BIA in the Department of the Interior was responsible for informing the tribe or the miners of the hazard, it didn't tell either group. The BIA-approved lease required Kerr-McGee "to provide for the health and safety of the workmen," byt Tom Lynch, of BIA's Window Rock, Arizona, office asserted that "It was not our responsibility to ward them. That was the job of the landowner." The landowner is, incredibly, the Navajo tribe itself. The uranium mine was the property of the tribe. The Indian people only *leased* their valuable resources to Kerr-McGee.

The BIA in Washington claimed that there were no mines ever approved at Shiprock. One official even denied that the mine existed. The Geological Survey, BIA, or Secretary of the Interior could have prevented this tragedy. The strangest aspect of this bureaucratic horror story is that Shiprock is not an isolated case. Indian people who own vast amounts of valuable resources have been prevented from mining their own property for the benefit of their own people. Instead, can be blamed on a conflict of interests inherent within the Department of the Interior and on certain groups that claim to be friendly to Indian interests, when they are nothing of the sort.

One hundred years ago, the U.S. Government forced Indians at gunpoint onto seemingly useless lands in the West. Now, it is known that this land contains some of the nation's richest deposits of coal, oil, gas, and uranium. Beneath the surface lie billions of tons of coal, including one-third of America's low-sulphur coal, and most of the nation's uranium reserves.

Almost the entire 440,000-acre Northern Cheyenne Reservation sits on top of the 60-foot-thick Fort Union coal formation, which lies beneath much of Montana and contains 1,500,000,000,000 tons of coal, 100,000,000,000 tons of which is accessible to strip-mining. In fact, Montana and North Dakota fields contain 15 times the energy reserves of the Alaska North Slope oil and gas fields. The Jicarilla Apache Reservation in New Mexico contains 2,000,000,000,000 cubic feet of gas and 154,000,000 barrels of oil.

Indian land is not public property; it belongs to the tribes inhabiting it. Most is held in trust by the U.S. government. The Omnibus Tribal Leasing Act of 1938 permits Indians to lease coal rights to private corporations subject to Interior Department approval, but the Interior Department, the legal guardian of Native people, is by law schizoid, representing both Indian and non-Indian interests at one and the same time. As Sen. Edward Kennedy (D.-Mass.) asserted:

"Too frequently the U.S. government is itself the challenger of Indian rights or the supporter of other challengers, producing an irreconciliable conflict of interests usually at the expense of the Indian people... The same Interior Department which is supposed to be the Indian's protector through the BIA is the Indian's antagonist through the Bureau of Reclamation and other units... And somehow the bureaucrats whose jobs are to promote the interests of coal, gas, oil [and] electric power... interests, are the aggressive and successful ones both within the executive branch and as lobyists in Congress."

For all the Indian's potential wealth, they represent our poorest minority. There are small children on the reservations who have nothing in the house to eat but bacon grease gravy. Because of abyssmal poverty, Indians might act out of economic desperation, under false promises, or bad advice from the BIA and lose their opportunity for economic advancement by signing away valuable mineral rights. Many Indians complain that the BIA failed to protect their rights in the past by vetoing good legal arrangements between tribes and outside organizations and urging acceptance of inferior leases.

SHORTCHANGING THE INDIANS

Native people believe that, by so doing, the BIA is aiding and abetting energy companies in shortchanging Indians. For example, land is supposed to be leased only through a competitive bidding system where the highest bidder gets the contract. As a rule, the more bidders, bidders, the more money the Indians attain. Unfortunately, industry influence is too much for it to be truly competitive. When Peabody Coal, the largest American coal producer, was the single bidder, it got 16,000 acres of Northern Cheyenne land for a paltry 12 cents an acre. Two years later, however, when six bidders appeared at a land sale in the same area, the winning bid offered $16 an acre. The Northern Cheyenne believe they were badly advised by the BIA on the Peabody sale and requested that the Interior Department cancel that lease.

The BIA has also cheated Indians on royalties paid for their minerals. Royalties obtained over the years average out to 15.8 cents a ton and have always been ridiculously low. Since they began using privately contracted, rather than BIA, attorneys, tribes in Montana and the Southwest negotiate for 40 cents a ton and up.

The bad BIA policy was noted by the General Accounting Office (GAO) when they found that nine out of eleven leases used a *fixed* royalty, whereby the royalty remained constant even though the price of coal skyrocketed. The GAO recommended a *sliding* royalty, whereby the royalty would increase in accordance with the selling price of coal.

The Indian tribe that has most actively taken the BIA to task over these indiscretions has been the Northern Cheyenne. Between 1969 and 1971, under misguided BIA advice, Cheyennes leased half their reservation to Peabody, AMAX, and Chevron for about $9 an acre and 17.5 cents in royalties for each ton of coal. In 1972, Consolidation Coal Company offered the tribe $35 an acre, a royalty of 25 cents, plus a $1,500,000 community health center. According to the Council on Economic Priorities, Consolidation's plan "offered the Cheyenne more than they had received before... Indians began to think that perhaps the BIA's advice had not been in their best interests."

They charged 36 violations of leasing procedures by the Federal government and decided to mine their coal themselves, rather than bequeath this privilege to a leaseholder. In 1973, the Northern Cheyenne Tribal Council voted to direct the BIA to "terminate all leasing permits and leases." The tribe's private law firm submitted a memorandum to the Interior Department accusing the BIA of breach of trust because "the tribe

ENERGY vs. INDIANS

was advised to accept unconscionably low economic terms." Former Secretary of the Interior Rogers Morton agreed that numerous BIA violations had occurred and ruled in favor of the Cheyenne cancellation request.

Massive industrial development is planned for coal-producing Indian lands and areas near them. Indians fear that this will pollute their air and ruin their land. For example, the infamous Four Corners power plant, the object of widespread criticism because of its lack of environmental planning, is on the Navajo Reservation. In 1966, Gemini 12 photographed that part of our planet. Only one sign of man's presence was visible – a trailing plume of pollution 230 miles long emitted from the power plant. Air near Four Corners was once so clear that visibility was 100 miles, but power and coal companies conspired to end that during the 1950s when they formed WEST (Western Energy Supply and Transmission Associates), which planned to construct six of the largest electric power plants in the world, and the largest strip mines in the nation – all leading to an output of 30,000 megawatts, while burning 94,000,000 tons of coal each year. The electricity generated was to supply Los Angeles, San Diego, Salt Lake City, Tucson, Albuquerque, and Phoenix, but the mines and plants were to blight the Indian country in Arizona and New Mexico. While the electricity goes elsewhere – into the neon lights of big cities – just about all the Navajos received in exchange for the land and coal was fly ash, sulphur, lead, mercury, cadmium, fluorine, and manganese in the air that they breathe.

As part of an effort by Indians to exert more control over the development of their resources, 22 tribes in 1975 formed a Council of Energy Resources Tribes, which operates like a "Native American OPEC." Using private attorneys, rather than those inflicted on them by the BIA, Indians have been more successful. The BIA stubornly persists in demonstrating that its interests are not necessarily in the Indians' best interests. In one pioneering arrangement, the Navajos, as members of the "Native American OPEC", permitted Exxon to explore for uranium in exchange for $6,000,000 in advance and a share in the development which could add another $200,000,000 to the tribal treasury over a 10-year period.

One official at Interior called it "the best deal we've seen," but the BIA has been reluctant to approve the contract. George Vlassis, the Navajo's attorney, believes that the reason for this is "Sour grapes. They're letting us know if the Bureau isn't in on the ground floor, they'll look at it forever. We're being taught a lesson."

Although emission control devices now remove much of the sulphur and dense smoke which gave the original generating units notoriety, evidence has accumulated implicating Four Corners in adversely affecting the health of people living in the region where Colorado, New Mexico, Arizona, and Utah meet. Dr. Richard Greer of Durango, Colorado, 50 miles from the Four Corners plant, studied yearly admissions for respiratory disease to Durango's hospital from 1961 to 1970. Admissions due to respiratory disease were as follows: 1961, 577; 1963, 585; 1964, 745; and 1970, 1,026. Four Corners went into operation in late 1963. The marked leap in respiratory disease during 1964, which continued to rise until the end of the study, points to the filthy smokestacks of Four Corners as culprit. Furthermore, during the period of this study, the areas population *declined.*

THE POLITICS OF ENERGY VS THE INDIANS PART II

The deteriorating lungs of Four Corners inhabitants – Indians and non-Indians alike – in no way pained the conscience of the Interior Department. Interior's inherent conflict of interests remained so lopsided in favor of special interests that the Indians' plight was ignored. Thus, a 1971 document sponsored by the Interior Department and 35 utilities announced plans for strip mines and power plants in Montana, Wyoming, the Dakotas, and Colorado, whose scope and size dwarfs Four Corners. Only two countries now generate more electricity than was planned for this mammoth project – the U.S. and Russia. Plans included 42 coal-fired plants, 13 of which would be 14 times the size of Four Corners. The amount of harmful materials thrown into the air each day as a by-product of this project would exceed the total air pollution of the Los Angeles Basin, according to Environmental Defense Fund calculations.

CONFLICT OF INTEREST

No matter how serious an individual's conflict of interest against Indians, it rarely stands in the way of his moving into a position that is supposed to be filled by someone who advocates Indian rights. Take Stanley Hathaway, for example. His close alliance with energy companies conflicted with his ability to serve as guardian of Indian water and mineral rights, a charge assigned by law to the Secretary of the Interior. Indian water rights are based on the Winters Doctrine of 1908, which declares that Indian tribes legally have the right to as much water as they require. Water is scarce throughout the Northern Great Plains. It is also a prerequisite for coal development. As Governor of Wyoming from 1967 to 1975, Hathaway leased virtually all the state's coal reserves to energy companies such as Peabody Coal and Kerr-McGee and sold them water in a way that violated the Winters Doctrine. A 1976 Environmental Policy Institute report noted the "willingness of the past Wyoming administration, particularly under Stanley Hathaway, to give these companies whatever they needed."

Governor Hathaway's strong alliance with energy interests is illustrated by the following situations he created: Water from two rivers was overappropriated to the industry. (The Powder River was overappropriated by 750%, while Tongue River water was overappropriated by 400%, primarily to Pacific Power and Light.) Hathaway attempted to secure state funds to divert water from the North Platte to the Powder River, which would then, oddly, result in the need to divert water from the Green River to the now-depleted Platte River. This diversion of one river's water into the drained bed of another would aggravate salinity problems in the lower Colorado River Basin – all done under the stirring banner of energy development at any cost. Hathaway's fervent devotion to industry was visible in 1968, when he and the state engineer attempted to lower the price of water so that waiting energy companies could buy it up.

During the Hathaway administration, the Board of Land Commissioners, of which Hathaway served as chairman, leased more Wyoming coal land than the Federal government ever leased. The acreage under lease when he left office was three times the amount when he took office. Furthermore, leasing was not conducted in the public interest. There were no competitive bidding, no land-use planning, and no production requirements. This massive leasing was not simply conducted early in the Hathaway administration, before anyone knew better. To the contrary, more land was leased during the last year of Hathaway's term than during the previous seven years of his administration. Rampant coal leasing in Wyoming without action by the Governor to halt it stands in contrast to Montana and North Dakota, the other Northern Plains states which bear enormous coal deposits. These states enacted a moratorium on coal leasing.

Yet, President Ford appointed Stanley Hathaway Secretary of the Interior, thus making him guardian of the Indians and all their precious resources. A crony of energy companies was now supposed to protect Indian mineral holdings against energy companies known to treat Native peoples unfairly. Sen. Gary Hart (D. -Colorado) opposed Hathaway's confirmation on the grounds that his indiscriminate leasing in Wyoming rendered him "not qualified to assume the stewardship of our nation's treasure of minerals, coal and oil." The dangerous conflict of interests against the Indian resulting from Hathaway being Interior Secretary was never to develop, however, because he resigned for health reasons after only 32 days in office.

However, that did not end the Hathaway-energy alliance. Shortly after his resignation, he was appointed to the Board of Directors of Pacific Power and Light, a company which the Council on Economic Priorities found to be "the largest public coal leaseholder" in Wyoming when Hathaway was governor. (Through their 50% ownership in Decker Coal Company, Pacific Power and Light owns extensive coal reserves in Montana and Wyoming and operates the Decker Mine, the largest mine in America.) According to Pacific Power and Light's proxy statement of May 12, 1977, Hathaway also owns 300 shares of stock in the company. Hathaway had been very kind to Pacific Power and Light, and it appears that his kindness has been returned. A statement on ethics by President Carter in January, 1978, might be applied to Hathaway's present position at Pacific Power and Light: – "Further steps are needed to insure that former Government officials cannot use their personal contacts gained in public service for private benefit."

It is crucial that individuals representing Indian rights be free of any trace of a conflict of interests. Even when such an individual is entirely sympathetic to Indian interests, grave dangers exist. Energy companies, who greedily lust after Indian resources, are so wealthy and powerful that they can attempt to seduce an upright individual by dangling irresistable financial temptations before his pocketbook. The Norman Littell story clearly illustrates how solicitation operates.

Littell, a Rhodes Scholar, served as Assistant U.S.

ENERGY vs. INDIANS

Attorney General under President Franklin D. Roosevelt. He was the Navajo tribe's private attorney from 1947 until 1967. Throughout this 20-year period, Littell fought special interests who sought to exploit for their own profit the valuable resources on the Navajo Reservation. According to George Hammond, Director Emeritus of the Bancroft Library of the University of California, "The Navajo Tribe had the guidance of a man of the highest integrity [Littell]... would make no compromise with those who wished to take advantage of the tribe."

Littell ended the exploitation of Navajo resources by special interests and the Federal Government and, in so doing, reversed a longstanding characteristic of what had been this nation's policy from its earliest history. Navajo poverty had been unnecessary. Littell discovered that competitive bidding for gas and oil leases was incompetently handled by the trustee and yielded bids as ridiculously low as 50 cents per acre. By advertising for bids in oil journals, Littell secured for the tribe the highest bids known in the U.S. – up to $5,500 per acre. In 20 years, he built up the Navajo treasury from almost nothing to approximately $100,000,000.

In a statement on November 16, 1970, before the U.S. Senate Subcommittee on Indian Affairs, Littell revealed how energy interests can try to proposition a lawyer whose job it is to represent Indian rights. The following is Littell's statement:

In the late spring or summer of 1962... the Chairman of the [Navajo Tribal Council... handed me a letter from Clark Clifford, then an attorney in private practice in Washington, D.C., and close to Lyndon B. Johnson. The letter asked for a "negotiated lease" on an area of prospective oil lands in Arizona [on the Navajo Reservation] for an "undisclosed principal."

The Chairman [of the Tribal Council inquired as to the significance of the phrase "undisclosed principal"...

Also, as to the "negotiated lease," I reminded the Chairman that the tribal fortunes had been built on competitive leasing...

I called Clark Clifford on returning to Washington, and he asked me if he could come to my office, where we had a very pleasant visit. However, I told him plainly that I could not recommend the Tribe's doing business with an "undisclosed principal" any more than he could make such a recommendation to any client of his.

As a lawyer, he readily understood our position, but he said he would have to return to his office and ask the authority of his principal to disclose its name. He did so and returned later with such authority. His principal was "Kerr-McGee Oil Industries, Inc.," whose President was U.S' Senator Bob Kerr [of Oklahoma], a close friend of LBJ.

I agreed that his principal was highly responsible, but the "negotiated lease" was still out of the question as objectionable to all competing companies who had helped to build the Navajo treasury up to its high level.

Clark Clifford then said: "Norman, Kerr McGee is very appreciative of, and grateful to those who cooperate with the company!" In Clifford's elaboration of this comment, his meaning was unmistakable. He went on to say how much stock in the company Kerr-McGee had given him.

Clifford's suggestion was a daring one to make to one of my integrity and reputation. Even a bit breath-taking – so much so that I immediately telephoned... Elmer Bennett, former Under Secretary of the Interior, and repeated the conversation with Clifford.

"You realize, don't you Norman, Bennett replied, "that you have been propositioned."

Littell refused Kerr-McGee's "offer." Yet, despite his efforts to stop them, Kerr-McGee eventually managed to secure and develop the lands in question into the first great oil field in Arizona.

In his Subcommittee statement, Littell asserted that "There is overwhelming evidence of President Johnson's personal knowledge of Navajo affairs." For instance, Clifford, who came to Littell bearing questionable gifts from Kerr-McGee, was not just close to President Johnson, but served in his Cabinet as Secretary of Defense; and when the tribe received a check from Kerr-McGee for uranium interests on the Navajo Reservation, President Johnson is known to have sent a personal congratulatory telegram to the Navajos. We have seen earlier what Kerr-McGee's uranium mine did for Navajo workers at Shiprock. The Navajo's uranium, on the other hand, did a lot for Kerr McGee's profits.

Perhaps all this goes to show that there may be more truth than fiction in that old Cahokia Indian folksaying, "Until the white man came, the Indian vocabulary didn't have a word for 'lie.' "

CONFERENCE AT MOUNT TAYLOR

The Lagunas call it Tse Tina, the Navajos hold it as one of the four sacred mountains, and Gulf Oil calls it Mount Taylor, the "Project of the Century." In the shadow of the sacred mountain some 700 Native and non-Native people gathered to physically and spiritually protest Gulf's desecration of the mountain. The form of desecration – the3,600 foot deep underground uranium mine shaft which is sunk into the side of the mountain from which Gulf plans to bring some one hundred million pounds of uranium to the surface.

First the Navajos, led by Larry Anderson, started walking down from Big Mountain, treking some three hundred miles to come to the gathering. The car caravans from the survival schools at Oakland and Pine Ridge brought more to the gathering. The airlines carried AIM leaders Bill Means and John Trudell, representatives from Canada, and Native delegations and Anglo supporters to the conference. The end result of months of work by the Albuquerque-based American Indian Environmental Council was a wide representation of grass-roots Indians from Navajo, Pueblo, Chippewa, Lakota, and Kootenai peoples, as well as Chicano and Anglo representatives from all over the world.

The issue at hand is a question of genocide. Uranium and coal mining in the Southwest have taken many lives. From one uranium mine alone, that of Kerr McGee at Shiprock, twenty-five Navajo uranium miners have died, and forty-five more will die now. As the deaths from radiation induced cancer and birth defects turn from calculations to reality, the mining accelerates. There are now 32 uranium mines in the area, with BIA predictions of one hundred by the year 2000. Coal-fired power plants have also taken a serious toll in resources, land and water

Gulf's Mount Taylor Project is one of many, but it is the most extensive venture in the company's 78-year history and represents millions of dollars of capital outlay thus far. The Chicanos who hold the land grant at San Mateo – at the actual location of the land – say that they were paid pennies for the land.

Now the animals are dying from radiation contamination of air, land, water and life. The Navajo Medicine Man's Association opposed all development, as did the Big Mountain (Navajo) delegation. Gulf Oil's project is a desecration of a mountain so sacred that no Navajo could climb it without a special prayer song and a medicine man.

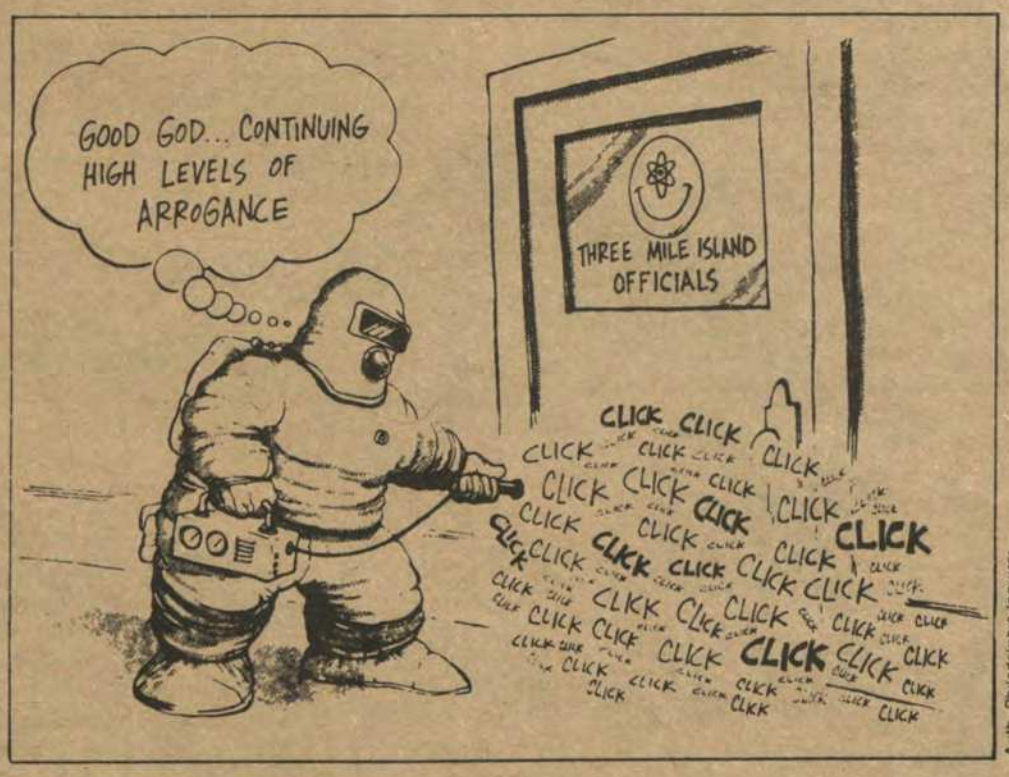
Meanwhile, just down the road, the United Nuclear Homestake uranium mill keeps up full-scale uranium processing. Thousands of tons of uranium mill tailings lie by the side of the road and the citizens of nearby Grants (N.M.) – the uranium capital of the world – conduct their Energy Fair. Some of the slogans at that event included "Three Mile Island was Sabotaged," and "Uranium For Our Children."

The issue is real on all levels. Gulf's mine is one of many illustrations of corporate and government exploitation of Indian people and resources. The question is – will the cycle begin again? Navajo uranium miners are sent deep into an underground mine shaft into what one of Gulf's supervisors describes as a "huge oatmeal bowl." The shafts have already devoured much of the mountain. Many of the miners will probably get cancer.

Also participating in the conference were the Window Rock 7, all of whom have been reindicted on charges stemming from the occupation of the Navajo Tribal Council headquarters in October. Now they will go to Tribal Court where Navajo Tribal Chairman Peter MacDonald's regime will try again to intimidate the people to silence. One of the men said, "we're not scared at all. They're just trying to keep us down, but we plan to continue fighting for our people."

And that's what it's all about – the repression, the sterilization. They steal our resources, and we work on organizing the people. Mount Taylor is just like Paha Sapa (the Black Hills). The issue is the love of the Indian people for the land and the struggle is the only hope for the future.

Winona LaDuke



Auth. Philadelphia Inquirer

THE DENE NATION

"Twenty thousand years before Abraham and Issaac, the Dene were a Nation."

"It is the Government (Canadian) who is trying to divide the Dene. We are the same, half-breed and Dene. It is the government who says we are different."

" years ago Alexander Mackenzie came to our land. Pale, and dressed in his ruffled shirt, he came to ask about a great river. It must have been an experience for our forebears. The pale man left. To this day our people wonder why the great river was named after such an insignificant person."

Quotes from the movie THE DENE NATION.

"Proposed Agreement-In-Principle
between the Dene Nation and the Queen of Canada

INTRODUCTION

We the Dene have lived on our traditional lands since before any man can remember. Our land is the cradle of Dene Civilization and has nourished our people for thousands upon thousands of years. Through these thousands of years, we the Dene, a nation of people, have decided for ourselves how we live. We developed our own values and our own understanding of the world. We developed our own languages and our own laws, our actions were based on our understanding of the world. For thousands of years, we have been a nation determining our own destiny.

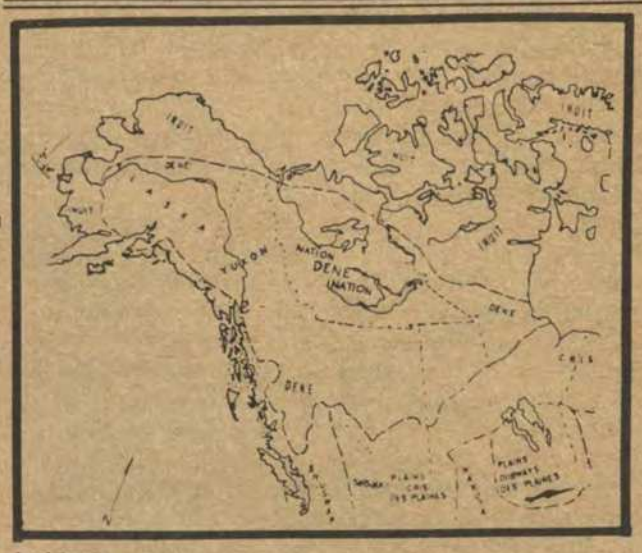
More recently, our nation has undergone difficult and threatening times. Non-Dene with different values, different languages, different laws, have come onto our lands. Rather than living with us in peace, these non-Dene have tried to force us to think, act and become non-Dene. Rather than recognizing our right to our own land, non-Dene have taken resources from our land for their own profit. Rather than recognize our national right to self-determination, non-Dene have judged us to be inferior, and tried to control us.

In 1899 and 1921, our nation made two treaties with the non-Dene. For our forefathers, the treaties were an agreement with the non-Dene whereby we would live in peace and mutual respect, whereby our right to continued self-determination would be guaranteed. In Dene society, men related to men by agreement. We understood that a man was measured by how he kept his word. The agreement that our forefathers made verbally with the Government of Canada was that our right to self-determination shall never be violated "... as long as the world does not change, as long as the sun continues, as long as the river continues to flow, as long as this land shall last". It was not until the late 1960's that we became aware of the meaning of the written versions [of] Treaties 8 and 11.

By fraud, the written versions contained conditions never agreed to by our forefathers: "... the said Indians do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada, for His Majesty the King and His Successors forever, all their rights, titles, and privileges whatsoever to the lands included within the following limits...".

In truth, what has happened is a process much worse than just the theft of our land and our resources. What has happened is the theft of our humanity, the theft of us as a people, the theft of our right to be. This process began even before the treaties, with the explorers, fur-traders, and missionaries. Over the past few years it has been accelerated and intensified with the hunger to exploit our lands. This process is colonization. The Government of Canada is its agent, the Territorial Government, along with transnational Corporations, are the colonizers. Over the years, and at present, they have been allies in the common cause of changing us to fit their definition of mankind.

We have decided that this must stop. We have decided that we must now work for our decolonization. We have decided to once again become the subjects of our own development, rather than the objects of someone else's decisions.



It is over half a century since the time of the first treaties between our nation and non-Dene. Now, both the Government of Canada and the Dene Nation are seeking to make a new agreement, a treaty which will be respected and lasting for both parties.

Our experience has taught us that it is foolhardy to expect anyone other than ourselves to protect our interests. We must have more than an assurance that our interests will be taken care of by others, or by the institutions of others. Relationships whereby one party undertakes to protect the interests of others are by definition colonial. Therefore, we insist on the right to define, protect and present our own interest.

This means that we must have our own exclusive political jurisdiction within Canada. We must have our own political institutions through which we both govern ourselves internally as we choose, and continue to present our collective interests externally to the rest of Canada. Only with our own exclusive political jurisdiction can we meet these requirements. Unless these requirements are met, it is meaningless to talk of the Dene as a people, or Dene Culture, being a continuing reality. Any other arrangement would be genocide.

Our rights to self-government within the Confederation of Canada must be the basis of our new agreement with the Federal Government. Basic to that right is the recognition to exclusive Dene political jurisdiction over areas of primary importance to our life as a people.

HISTORY AND RIGHTS OF THE DENE

In 1899 and 1921 our forefathers saw fit to enter into treaties 8 and 11 with the Dominion of Canada. We did so in an effort to protect our interests from the continuing invasion of non-Dene. Our forefathers saw a need to obtain assurance from the non-Dene government, whom they felt was responsible for the actions of non-Dene on Dene lands, that the security of our ways of life would not be undermined, that our right to continue to lead our chosen way of life and govern our own affairs would not be challenged.

We learned shortly after the making of those treaties that those we negotiated with were breaking their word. Since then nearly every term of the agreement we entered into so solemnly has been broken by the non-Dene.

We have recently come to grips with the implications of living in a world in which men make decisions not by agreement but by manipulation of power. The lesson of the Treaties and the lesson of our experience since that time is that our rights will not be adequately protected by assurances of non-Dene institutions, be they corporations or the Federal Government. Our rights will only be protected by the assertion of those rights by ourselves. This lesson, above all, has made it clear that we must govern ourselves through our own exclusive institutions and must have the ability not simply to negotiate an agreement, once and for all, with the Federal Government, but an ability to negotiate the terms of all activities affecting our interests long into the future. This is why recognition, not extinguishment, of rights in the form of an exclusive Dene Jurisdiction or government is the first principle of our position.

We cannot understand how anyone could seriously suggest that we would consider negotiating the extinguishment of our rights. What we insist upon is a departure from the tradition in Canada that rights must be extinguished. We want our property rights to our land recognized and preserved, not extinguished. Such recognition of Aboriginal land has happened elsewhere in the world and we cannot see why it cannot happen here.

However, our rights are more than property rights. We have important human rights recognized in International Laws, such as the right to self determination as a people.

Our struggle, like oppressed and colonized people everywhere, is the assertion of the right to recognition and self-determination as a people. Our demands are the recognition and protection of those important human rights which have been secured by other peoples. We are a nation of the fourth world, the world of aboriginal peoples within the framework of independent, nation states.

This is not separatism. It means self-reliance and self-determination as a people within Canada. It means a reclarification of our rights and a negotiation of our place in confederation in the context of a Dene Government. We know that this is in the spirit of the Canadian constitution and that there is no reason why the tradition of extinguishment has to be followed. We can never agree to the extinguishment of ourselves as a people.

There are other lessons to be learned from the Dene experience of the last fifty years. The right of self-determination has many aspects. Constitutional recognition, that is, recognition of the right of the Dene to govern themselves through institutions of their choosing, would be insufficient to ensure Dene independence and the development of the Dene as a people. Colonialism is not simply a matter of political control, but is also a matter of economic and social relationships. The truth of this observation is borne out by the experience of formerly colonial Third World countries.

Achievement of political independence in the absence of any restructuring of colonial economic relationships has led to the continuation of a much more subtle, but very real, economic neo-colonialism. Resource development continues under foreign initiative and control, making the local economy dependent on decisions made by and large in accordance with external interests. Far more important, the ownership and control of resources by external interests leads to the economic surplus attributable to these resources being drained out of the country for reinvestment elsewhere. It is this loss of economic surplus which most severely undermines the ability of underdeveloped areas to become self-determining.

In the early days, the fur trade was the main basis of the relationship between Dene and non-Dene. The traders depended on us for their survival, both in terms

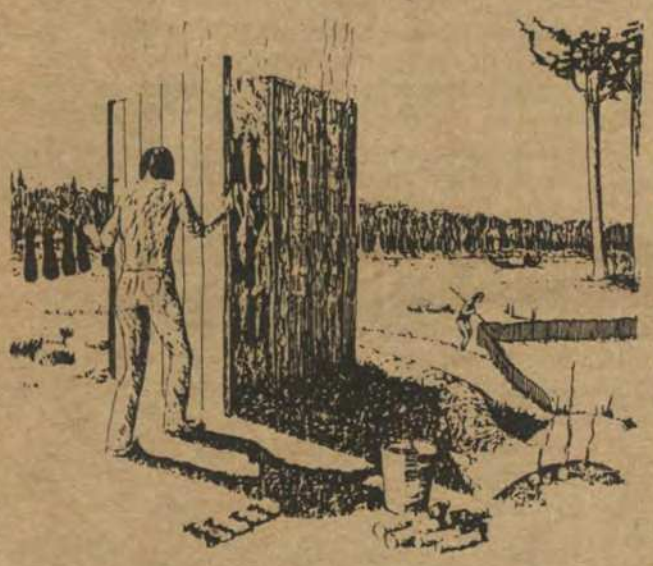
DENE NATION CON'T.

of food and for the fur which kept them in business. In turn, we became dependent on the traders for our traps, some basic provisions, and other essentials such as guns and axes.

As long as the traders were dependent on our people for food and fur, we were treated with respect, with recognition. However, improvements in transportation allowed the traders to import their food supplies Meanwhile, in spite of the Treaties, the government allowed non-Dene trappers to enter the North. The non-Dene trapper had no long-term interest in the fur-bearing animals and quickly set about depleting the areas he trapped, much the same way mining companies and oil companies today remove the birthright of the Dene in the non-renewable resource sector. Both of these events changed the relationship between our people and non-Dene. The traders no longer depended on provisions supplied by us. while the non-Dene trappers depleted our fur-bearing animals

Finally, when the bottom fell out of the fur market and prices fell, we were left high and dry We had started from a position of equals and were now left in a state of considerable need.

The main lesson we learned from this experience was that participation in the market economy is not enough. We must have control in order to ensure that our relationship with the non-Dene remains one between equals rather than one of dependency.



While the fur trade drained away the economic surplus, created by the hard work of Dene trappers, to be used to build the economic empire of the Hudson's Bay Company elsewhere in Canada and in such racist economies as that of South African controlled Namibia, the fur trade did not demand that we give up our land. While our people became increasingly dependent on the non-Dene economy, the fur trade did not result in the tremendous inglux of non-Dene brought about by the exploitation of non-renewable resources on our land.

For the mining companies, oil companies, and prospectors, ownership of the land was indeed an important consideration. This is what motivated the Federal Government to negotiate treaties, to remove the Dene interest in the land in orderto make it available to the developers. Because of our trust in verbal agreements and our trust in a government with which we had little experience, we realized this all too late.

The development of the non-renewable resource sector – the gold mines at Yellowknife, the oil field at Norman Wells, the mines at Port Radium and Echo Bay, the lead-zinc mine at Pine Point, the gas field at Pointed Mountain, and the massive exploration effort of this century – resulted in an influx of non-Dene settlers, under the auspices of the Federal Government and its local colonial establishment, the Government of the Northwest Territories. The assumption of racial and cultural superiority, so necessary to justify this abrogation of our national rights led to the imposition of a non-Dene educational system, non-Dene religious hierarchy, non-Dene political institutions and a host of other non-Dene authorities, not least important of which were those concerned with housing, health and social assistance.

For instance, instead of providing the tools with which to overcome colonialism, our most pressing problem, the so-called "education" system was based on assumptions that provide the underpinnings of colonialism – racial superiority, elitism, the capitalistic ethic, authoritarianism and so forth

In the political sphere, the assumption of racial and cultural superiority led to the imposition of non-Dene political institutions which completely ignored our tradition of decision-making by consensus and government by agreement. Our attempts to employ these non-Dene institutions to achieve our aims have proven futile.

It is the nature of colonial government that it focuses on symptoms of the colonial relationship without ever questioning the cause. The result is an ever increasing colonial bureaucracy whose relationship to the colonized must be founded on assumptions of superiority in order to justify its continuation. The failure of colonial development programs and the growth of the welfare bureaucracy are implicit in continuing colonial relationships. From our point of view, perhaps the most destructive efforts of the colonial bureaucracy involve the recruitment of Dene to exercise a neo-colonial role as welfare officers, classroom assistants, special constables, settlement secretaries and entrepreneurs. The result of such programs is the creation of a small neo-colonial elite who benefit from a continuing colonial relationship.

It would be easy to detail further examples of the colonial implications of non-renewable resource development in the Northwest Territories but this is not the intention. It is important to recognize only that colonialism crept upon our people who, without previous experience, had no way of predicting the consequences. Today, with considerable colonial experience behind us, we are turning our attention and efforts to decolonization – coming to terms with the effect of colonialism in our lives and planning action to regain control over our destiny

It must also be noted that the heavy concentration on the colonial development of non-renewable recources has made it extremely difficult for us to maintain our traditional land-based activities. The renewable resource sector has been undermined by the unbridled exploitation of non-renewable resources This subversion has resulted from environmental (eg. arsenic pollution of Yellowknife Bay, and flooding of lands around Pine Point Mine), the drainage of economic surplus from the region, the influx of transients and settlers, and the coercion which forced us into permanent settlements, to name only a few causes.

The lessons of this period of our history suggest the need for a concerted effort at decolonization to undo the destructive effects of colonial experience. Furthermore, the experience with non-renewable resource development has convinced us that we must have control over decisions concerning further developments on our land, not only to set the conditions which will control the impact of such activities but also to reap the benefits which the right of ownership entails. Millions of dollars in economic rents, or super profits have left the Northwest Territories to be invested elsewhere by the companies concerned. These rents should have remained to support our development objectives.

Clearly, we must develop our own economy, rather than depending on externally initiated development. Such an economy would not only encourage continued renewable resource activities, such as hunting, fishing and trapping, but would include community-scale activities designed to meet our needs in a more self-relaint fashion. True Dene development will entail political control, an adequate resource base, and continuity with our past. It will be based on our own experience and values In accordance with our emphasis on sharing, Dene development will not permit a few to gain at the expense of the whole community. Our purpose is to bring to an end such colonialism and to re-establish a process and experience of development for the Dene nation as a whole As such, we believe the conditions that govern the development of individuals will determine the conditions for the development of the whole Dene community. This has always been our belief.

THE DENE AND NON-DENE

The Dene are in a struggle for their basic human rights. The experience of colonialism is an experience of dehumanization and exploitation. The struggle to decolonize is therefore a humanizing struggle, a struggle to regain the ability to be free and productive human beings.

While the Dene have certain Aboriginal Rights not shared by non-Dene, the basic human struggle is shared by all who are working for a world not based on man's exploitation of man. It is therefore contradictory for us not to deal with how the Dene struggle affects the rights of others.

Almost all non-Dene who have come to our land have come directly or indirectly as the agents of institutions seeking some form of control over us. The Government of Canada must bear full responsibility for having encouraged and misled such people into believing that they had the right to exploit our land and to colonize us as a people Our new agreement with the Federal Government will mean that such colonizing forces shall stop.

Nevertheless, the reality is that there are now many non-Dene in our land, and what we seek is a peaceful relationship with these people, based on recognition of our right to self-determination.

Because most non-Dene live in a few concentrated urban centres, to assist the Federal Government in its responsibilities towards these people, we are willing to allow such centres to exist outside the jurisdiction of Dene institutions In return, the Federal Government must agree to establish new communities for the Dene of such centres, as the Dene involved may choose.

It is the Federal Government which is ultimately responsible for the presence of non-Dene in our land. Because of this, the Federal Government represents the non-Dene interest in the negotiations for a new agreement. It is impossible for bodies such as the Territorial Council to be a part of the negotiating process, as this would imply that non-Dene in the North have a legitimate interest separate from the Federal Government. This is not the case The priority of the Dene Right to negotiate directly with the Federal Government must first be recognized

(This article is part of the proposed Dene Agreement-In-Principle dated November 1, 1976. The material was reprinted from the REVUE MONCHANIN JOURNAL, Vol 12, No. 1, Issue 62, which published the entire statement. The Journal is available at $6 per year from Centre Monchanin, 4917 St-Urbain, Montreal, Quebec H2T 2W1, Canada.)

THE INDIGENOUS QUESTION.....

ORGANIZATION AND STRUGGLE

Within the past five years, the democratic struggles of indigenous peoples in Colombia have reached unprecedented heights. Part of the reason for this is the persistent extension of imperialist penetration into formerly inaccessible or remote territories. Foreign capital has made its way into rich natural resources forcing Indians off of traditional lands as well as removing indigenous peasants from subsistence plots and reservations in the reorganization and extension of latifundios for export commodity production. (The majority of Colombian indigenous peoples are sharecroppers or *colonos*.) The economic integration of indigenous peoples into imperialist projects has resulted in the rising political movement among them. This movement has broadened across indigenous groups, including non-indigenous peoples. One of the consequences of imperialist oppression is the gradual forging of unity among all exploited and oppressed peoples. This process towards alliances has suffered its setbacks and temporary defeats. Nevertheless, the process linking the various democratic struggles into a single vanguard is clearly developing. Several important indigenous organizations, such as the Congreso Regional Indigena del Cauca (CRIC), the Union de Indigenas del Choco (UNDICH) and the Congreso Regional Indigen del Vaupes have appeared in the seventies. In addition, mass organizations such as the Associacion Nacional de Usuarios Campesinos (ANUC), founded in 1966, includes within its program the demand for land and the cultural equality of indigenous communities.

Colombian indigenous organizations like all democratic movements have been subjected to severe repression. Seven CRIC leaders have been murdered since late 1976. And just recently, an ANUC indigenous leader, the treasurer of the Tolima branch, Wenceslao Lozano, was murdered without provocation. In the Northeast Cauca department, the indigenous community leaders have warned their communities not to leave their homes at night. Government police and latifundista goon-squads ("pajaros") practice selective intimidation to stem the indigenous struggle, especially their land seizures. CCRIC has claimed that as a result of their actions and in spite of repression, 13,000 Hectares of stolen land have been returned to their communities. Still an important problem facing indigenous peoples is their political purpose. Is their principal focus their class interests, i.e., as peasants? Or is their focus their cultural organization, their indigenous background? Already ANUC and CRIC have had a serious division on this question, with ANUC taking the position that the basic problem of indigenous peoples is parallel to the basic problem of the peasantry – land. However, CRIC takes a more culturalist position, arguing that the indigenous problem is a separate question from the class struggle, and emphasizes the struggle for cultural independence.

Among the Left, the position of the Frente por la Unidad del Pueble (FUP) is that the indigenous struggle is basically a struggle for democratic demands and that this struggle is in essense an anti-imperialist one. Furthermore, the indigenous problem cannot be resolved except through national independence from imperialism and the defeat of Colombian semi-fuedalism. Thus, the indigenous peoples' interest can only be realized through an anti-imperialist struggle encasing the democratic demands "Land to the Tiller" and cultural equality for all indigenous peoples.

CANCER AND INDIAN IMMUNITY.....

SACRAMENTO, Ca. (SICA Communications Dept.) April 23, 1979 – If you live in Sacramento, your chances of dying of cancer are second only to chances if you live in San Francisco (on a state scale) according to an article published by the SACRAMENTO BEE on April 18.

The studies were made by the University of California at Berkeley, and Lawrence Livermore Laboratory, whose experts "can't explain why Sacramento had such hich cancer mortality rates," according to the BEE. Statistics for death rates among Blacks and "other minorities" weren't used in the study, the article says, "because such populations are so small (that) one death would skew the results to an unrealistic degree."

According to Geography texts now used in local Junior Colleges, Sacramento and a small area in North Africa have the highest amount of solar radiation (as opposed to sunlight) of any other places on earth. Since some forms of cancer are traced to such solar radiation, that fact might have something to do with the high cancer rate in the area.

Indians, however, don't have so much to worry about, according to the top anthropologists who have made studies in this field for many years. They have generally found that Indians (including those south of the border and to the north) have a great resistance to cancer. This is also true of Blacks, Asians, and all darker-skinned people.

These same studies seem to show, however, that when these "minorities" move into large cities and come under the stresses associated with city living, they lose much of their racial immunity, and their cancer rate can rocket to levels above those of the lighter-skinned population.

It is just this racial situation which may have deterred "minorities" from being included in the above studies. In any case, the findings of those anthropologists who have long studied us, to our chagrin, may now begin to pay off in freeing us of some cancer worries.

The studies may also be trying to tell us something about "assimilation" and its consequences.

(Information released by the Sacramento Indian Center, P.O. Box 16094, Sacramento, Ca. 95816.)

YVONNE WANROW WINS.....

On April 26, 1979, Yvone Swan Wanrow ended her seven year ordeal in the Washington State courts. Since 1972 she has faced charges of second degree murder and first degree assault for fatally shooting William Wesler, a child molester, and wounding his companion, David Kelly.

Wanrow, a Colville Indian, pleaded guilty to reduced charges of manslaughter and second degree assault in Spokane County Superior Court. She was sentenced to five years' probation by Judge Harold Clarke.

In an often emotional four hour hearing, defense lawyers Elizabeth Schneider, Susan B. Jordan and Mary Alice Theiler put on witnesses from the Spokane area, who talked about Wanrow's crucial role as a spiritual and community leader of her people, and the need for her to continue her work among them. These witnesses included Ms. Letty Schwanz, one of Wanrow's earliest champions, and a member of the Presbyterian Synod for the Northwest and the Emmanual Presbyterian Church in Spokane. Lorraine Misziascyk, Director of Advocates for Indian Education for the Northwest Federated Tribes, a longtime expert on Indian education, stressed the importance of Wanrow's position as a positive role model in a community which sorely needs them. Rev. Marilyn Haney talked about Wanrow's importance as a spiritual leader. Telegrams and statements offering support and assistance were sent by many people, including Marie Sanchez, former tribal judge of the Northern Cheyenne tribe in Montana, and a member of the Montana Advisory Committee to the United States Civil Rights Commission, Marilyn Decker, a Native member of the governor's Commission of Alcoholism for the State of Washington. and Mary Nelson, A Colville Indian, Wanrow's faculty supervisor at Evergreen State College, where Wanrow is a second year student.

In a statement to the court Wanrow said: "I wish this tragedy had never happened. I'm concerned about the people I might have offended through all this. I don't wish to bring suffering to anyone. My children have been and will be my life – my family comes first. There are so many problems in the Red Nation. I want to learn so as to help others to deal with these problems. Given the chance, I would fulfill my duty as a human being on this earth to construct a better future for all, not destroy what exists. These past seven years have been like a prison sentence. The many activities undertaken by the many people from throughout the nation and abroad have helped me this far. I intend now to return home to take care of my children and to make plans for the future."

In 1973, Wanrow was convicted of second degree murder and first degree assault, but won on appeal. When the prosecutor appealed the reversal of her conviction to the Supreme Court of Washington, Center for Constitutional Rights attorneys Elizabeth Schneider and Nancy Stearns took the case. In 1977, the State Supreme Court upheld the reversal on two grounds. First, it held that Wanrow's tape recorded call to the police should not have been used at her trial. Then, in a landmark ruling, it stated that the trial judge had incorrectly instructed the jury on the law of self defense by giving them the impression that "A 5'4" woman with a cast on her leg and using a crutch must, under the law, somehow repel an assault by a 6'2" intoxicated man without employing weapons in her defense." Noting that "in our society, women suffer from a conspicuous lack

WANROW CON'T.....

of access to ... the means of developing those skills necessary to effectively repel a male assailant ...", the Court held that "care must be taken to assure that our self-defense instructions afford women the right to have their conduct judged in light of the individual handicaps which are the product of sex-discrimination." This ruling already has had a great impact on the treatment of women charged with self-defense related crimes. The "Wanrow Jury Instruction," which incorporates this theory, has been used in many such cases around the country

Wanrow's case generated tremendous sympathy and support nationwide, in Europe, and in Japan. When her attorneys moved for a dismissal of the case in the interests of justice, church leaders in Spokane filed a friend of the court brief in her support. Their brief state: "Yvonne Wanrow was a woman caught up in a web of events which inevitably led to violence and might have been averted had she been able to rely on the protection of society .. If Wesler had been taken into custody, even temporarily, or if the police had promised surveillance of the neighborhood in order to reassure the women they were being protected, the tragedy would undoubtedly have been averted."

Wanrow was scheduled for re-trial in October, 1977, the trial was postponed when the State Supreme Court agreed to hear a defense challenge to the felony murder rule under which she was originally convicted. This rule has the effect of releiving the state of the burden of proving that Wanrow assaulted Wesler with the intention of killing him In December, 1978, the court affirmed the constitutionality of the rule and in February, 1979, denied a defense motion for reconsideration. An application for a stay of the trial was denied in March. Wanrow's lawyers then filed an application to Associate Supreme Court Justice William H. Rehnquist, Circuit Justice for the Ninth Circuit Court of Appeals, which covers Washington, Oregon, and California. This was also denied

Wanrow's new trial was scheduled for April 30th. After seven years of uncertainty, Wanrow decided to enter a guilty plea rather than undergo the ordeal of a second trial. At a press conference following the court hearing her attorneys pointed out that either side could have appealed the jury's decision and the nightmare continue for years. As Yvonne Wanrow said as she left the courtroom, "enough is enough."

(This article was a news release of the Center for Constitutional Rights, 853 Broadway, 14th Floor, New York, New York 10003. Contact Elizabeth Bochnak.)

THE CONTINUING AIM TRIALS: U.S. SUPREME COURT DECINES ON PELTIER

On March 5 the Supreme Court declined to review the case of American Indian Movement activist Leonard Peltier, thus upholding his lower court conviction.

Leonard Peltier is a long-time member of the American Indian Movement. For this reason, stated Lew Gurewitz, one of his attorneys, the FBI accused Peltier of killing two of its agents in a shootout at the Pine Ridge Indian Reservation in South Dakota on June 26, 1975.

On April 18, 1977, an all-white jury in Fargo, North Dakota, found Peltier guilty, said Gurewitz, thus ending a two-year effort by the FBI to convict someone, anyone, for the deaths of its agents.

Gurewitz pointed out that immediately after the shootout at Pine Ridge, the FBI issued arrest warrants on four Indians active in AIM on the Reservation. Charges were dropped against one man. Two others, Robert Robideau and Darrel Butler, were acquitted of all FBI charges by a Cedar Rapids, Iowa, jury on July 16, 1976. "The case against Peltier," said Gurewitz, "is as flimsy and rigged as it was against Robideau and Butler. It would never survive another trial."

While the high court decision closes the appeal process, the Peltier defense team is still at work. They say that they will shortly issue a habeus corpus suit against the warden of Lompoc federal prison near Los Angeles where Peltier is currently being held. The grounds of the suit would be a violation of the Webster-Ashburton Treaty between the U.S. and Canada providing for the extradition of fugitives between the two countries.

Peltier was originally arrested in Canada and held for almost a year in Vancouver's Oakallah Prison. He was finally extradited to this country on the strength of two affidavits signed by Myrtle Poor Bear claiming that she saw Peltier shoot the FBI agents.

At the original trial in Fargo, however, Myrtle Poor Bear testified that she had been forced by FBI agents into signing the affidavits. She stated that she had been told she would be charged with murder herself and her family would suffer if she refused to sign.

Poor Bear went on to say that she had not seen the site of the shootings until the FBI took her there after she signed the documents. She also testified that she never even met Peltier until the day she walked into the courtroom in Fargo.

The trial judge excluded Poor Bear's testimony and refused to let the jury hear her on the grounds that she "wasn't a credible witness" – although Poor Bear's affidavits were the pieces of evidence used to extradite Peltier from Canada to South Dakota.

"The FBI lied from beginning to end," said Gurewitz, "and eventually we're going to show that for everyone to see. This is a case that's not going to die."

Eric Leif Davin

TED MEANS JAILED

by Karen Northcott:

American Indian Movement leader Ted Means turned himself over to South Dakota authorities April 25 to begin serving a 30 month sentence in a South Dakota prison. Means was convicted in the Fall of 1975 on charges of rioting to obstruct justice – charges stemming from a 1974 police riot in a Sioux Falls courtroom. The crime "Rioting to Obstruct" has since been removed from the state legal code by the South Dakota legislature.

Ted Means, Russell Means, Kenny Kane, Curtis Bald Eagle and a handful of other American Indian Movement members are the only people ever to have been charged with that crime. The arrests came during the trial of Sarah Bad Heart Bull, David Hill, Lou Beane, Kenny Dahl, and Bob High Eagle, the first of the Custer defendants to go on trial for the Custer Incident, a confrontation between police and Indian people pressing for a stiffer charge for the white killer of Wesley Bad Heart Bull. Indian spectators refused to stand as Judge Joseph Bottums entered the courtroom, citing racism and prejudicial rulings. The South Dakota Tactical Team entered the courtroom with lead-filled batons swinging. The first hit, defendant David Hill, was almost blinded in one eye. The next to be hit was Russell Means. A full-scale battle ensued both inside and outside the courtroom.

Six Indian people were arrested inside the courtroom on charges of assault and rioting to obstruct justice. One witness to the assault, a Lutheran bishop, said, if the American Indian Movement members were guilty of inciting to riot, then "there would have to be a rule somewhere that Judge Bottums and the police were guilty of inciting to riot."

DICK MARSHALL'S TRIAL.....

Allegations of FBI misconduct, including the fabrication of evidence, suborning of perjury, and the coercion of witnesses were detailed in a South Dakota courtroom in March. Richard Marshall, an Oglala from the Pine Ridge Reservation, petitioned the court for a new trial, arguing that his 1976 murder conviction and subsequent life sentence were based solely on the perjured testimony of Myrtle Poor Bear, testimony procured and manufactured by agents of the FBI. Poor Bear later recanted her testimony, and that eventually led to the post-conviction hearing.

Marshall and co-defendant Russell Means were charged with the 1975 murder of Martin Montileaux in an off-reservation border town. Marshall was tried and convicted Means was tried four months later and acquitted. The crucial difference in the two trials was Poor Bear's testimony. The 26-year-old reservation resident testified that she was Marshall's girlfriend and that Marshall had confessed the shooting to her. She was the only witness to link Marshall to the shooting, and was the star witness used to prove the state's contention that the shooting was planned and therefore constituted first degree murder.

Affidavits signed by Poor Bear were the basis for the extradition from Canada of American Indian Movement activist Leonard Peltier. Peltier was convicted and sentenced to two life sentences for the 1975 killing of two FBI agents on the Pine Ridge Reservation. Her testimony in that case also included a claim to be Peltier's girlfriend and to have heard Peltier's confession. That testimony was discredited by the U.S. attorney who prosecuted Peltier. FBI handling of that testimony has been criticized by a judge on the Eighth Circuit Court of Appeals. The same agents who "investigated" the Peltier case, "investigated" the Marshall case. Marshall supporters listened intensely as defense attorney Ken Tilsen outlined a pattern of FBI misconduct against the American Indian Movement, reading from numerous FBI memos and documents.

Circuit Court Judge Merton Tice permitted the defense to delve into certain aspects of the Peltier cas, raising questions about the FBI misconduct. Tilsen chronicled the history of zealous anti-American Indian Movement and anti-Wounded Knee Legal Defense-Offense Committee actions on the part of agents David Price and Bill Woods. Price, an eight-year veteran of the Bureau, took the stand for two hours to defend his handling of Poor Bear. His testimony was riddled with denials of wrongdoing, I-don't-recalls, and his refusal to answer certain areas of questioning, claiming priviledged information. He denied threatening Poor Bear with

SHORT NOTES

MARSHALL CON'T..... "PEOPLE & ENERGY IN THE SOUTHWEST"

autopsy pictures of slain American Indian Movement activist Anna Mae Aquash as a way to induce the young woman to cooperate. He denied threatening Poor Bear's nine-year-old daughter. He further denied having full knowledge of Poor Bear's long and disastrous medical history which would have precluded her use as a credible witness.

Tilson questioned the 31-year-old agent as to the meaning of an FBI memo entitled "A Predication for an Investigation of American Indian Movement Members and Supporters."

"Do I understand," Tilsen asked, "that agents of the FBI have been instructed to investigate the American Indian Movement?"

"Not exactly instructed," the agent replied. When pressed whether the instruction to investigate AIM prompted his interest in Richard Marshall, the agent replied "I don't recall."

The defense questioned unusual FBI interest and participation in the state's case against Marshall, citing FBI reports of meetings between the Pennington County Sheriff's Department and the FBI resulting in the eventual production of Poor Bear as the state's star witness. "Isn't it a fact," Tilsen queried, "that you didn't take Poor Bear to the Sheriff's Department until it became quite clear to you that Marshall would have been acquited?"

"No," Price denied adamantly.

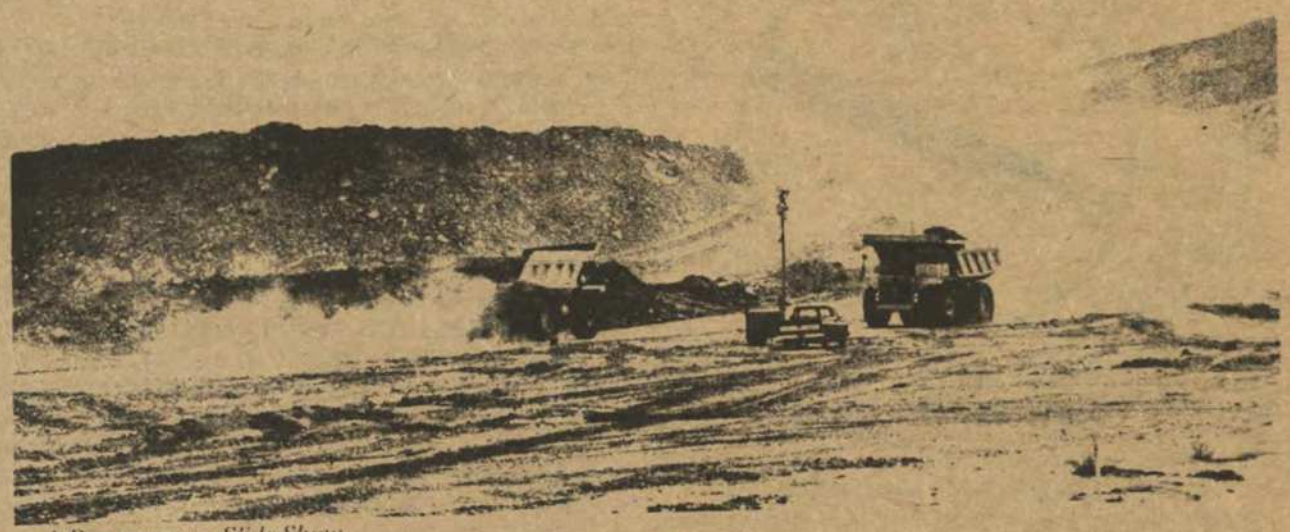
Pennington County Deputy Sheriff Donald Phillips recalled three interviews with Montileaux prior to his death. Under intense defense questioning the deputy reluctantly admitted to prompting the man to identify Marshall. As Montileaux lay dying in the hospital, Phillips testified, "I told him I hated to see these guys go free, especially if it's some big AIM guy."

Towards the end of the testimony, the deputy shocked the courtroom by stating erroneously that Montileaux had indeed identified Marshall as his assailant. Tilsen sharply reminded Phillips that this directly contradicted his earlier sworn testimony. Phillips then remembered that Montileaux had in fact been unable to identify the man who shot him, and said that he had "made a mistake" when he said that he could.

The testimony, Tilsen said, "points to the prejudice against the American Indian Movement and its members. Prejudice," he continued, "which continues even today, as Mr. Phillips led us to believe that Montileaux identified Marshall as his killer, and when confronted with that discrepancy, merely replied, 'I made a mistake, I am sorry."

It is this kind of sorriness, this kind of attitude," Tilslsen concluded, "that is the reason Dick Marshall is not a free man today."

Judge Tice has taken the case under advisement.



A Documentary Slide Show reviewed by

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After twenty-five years of energy development, poverty and unemployment are still widespread in New Mexico. For years, the per capita income has remained 48th in the nation. It has changed with the recent uranium boom to 43rd, but even more people are affected by the adverse effects which will remain after the boom is over.

Small Hispanic and Native communities bear the brunt of the energy invasion They have transmission lines overhead, pipelines for gas and coal slurry underfoot, and radon gas added to the air they breathe; but many are without electricity or running water for their own use.

Drawing on several years of energy reporting in New Mexico, investigative reporter Tom Barry and photographer Deb Preusch have assembled a 45-minute visual and oral documentary showing how energy development affects the people who must live beside it.

As the text of the show explains, companies like Kerr McGee, Exxon, Gulf, Sohio, Texaco, Conoco, Atlantic-Richfield, and Phillips Petroleum explore, extract and send from the state this mineral wealth while the people living here "have neither the necessary information or the political power to control their future." New Mexico is called an energy colony not by environmentalists alone, but by officials of the state

Native people are the most seriously affected For many, the past energy development left a heritage of death, illness and uncertainty, with uranium mining in the 1950s being a major offender "It made us sick to go into those mines," remembers one miner. "The white men sat outside and pushed us Navajos into the dusty mines immediately after dynamiting."

Air standards in uranium mines finally were enacted in 1971 after 20 years of blockage by the government and the uranium industry "despite their knowledge that exposure to radon gas did cause cancer" The faces of the lung cancer widows flash on the screen and they speak of their inability to get workmen's compensation for the deaths of their miner husbands.

Still other people are shown living next to the mountains of radioactive tailings left by the energy companies. Some of them are actually living in homes where the radioactive wastes were used as mix in the cement from which they were constructed.

In the village of Mexican Hat, at the northern tip of the Navajo reservation, "the Navajos used an abandoned mill as a vocational school until the dangers of radioactivity were realized."

Another source of concern is the depletion of water, a scarce resource in arid New Mexico. Millions of gallons of water are pumped out of uranium mine shafts to keep them dry As much as 5000 gallons a minute is discharged without a state law to regulate the amount or its pollution. A spokesman says that the Navajo Irrigation Project is uncertain because of the vast quantities of water used and wasted by energy companies.

As one Navajo puts it, "Uranium is a deadly poison whose extraction can only lead to further sickness among the people. The health effects aren't worth the promises of the mining companies. On the other hand, alfalfa and corn can sustain life."

The documentary includes color slides of stripmining and oil spills, but most of the show is devoted to uranium mining and milling and its consequences. It is a 40 minute slide show that takes a personal look at the effects of uranium and coal booms on Indian and Chicano land. Script and 130 slides available. Show sells for $125 to individuals and $200 to institutions. Contact: New Mexico People and Energy Research Project, 541 Cedar SE, Apt. 3, Albuquerque, New Mexico 87106. Phone (505) 247-2798.

THE BLACK HILLS ALLIANCE

The Black Hills Alliance, an organization which does research into the types of development which is taking place in South Dakota and the Black Hills Region, held a strategy conference in Rapid City, S.D., on March 31 and April 1, 1979. The two-day meeting offered an opportunity for an estimated 250 – 300 people to come together to discuss the proposed developments in the Black Hills region. Many of the participants were Native people. The information that was shared gave startling new insights into the energy corporations' new proposals, the dangers of the technologies employed, the cooperation of government in those projects, and the need for people to unite for the purpose of survival.

The Black Hills contain known deposits of coal, gold, oil, uranium, taconite and, perhaps most precious, water. The entire region has been called a national "sacrifice area" for energy development, a designation that is said to have arisen out of Trilateral Commission meetings. There is an imposing argument to the position that the Black Hills region is the target of a truly massive exploitation plan, and that the end result – the planned end result – will be the ecological ruination of the entire region.

There are thirteen 10,000 megawatt coal-fired power plants planned along a strip on the western side of the Black Hills. In addition, nine more 5,000 megawatt plants are proposed along with six coal gasification plants. To understand the scale of that kind of development, one must consider that the Four Corners Power Plant produces something in the range of 2500 megawatts, and that pollution from that plant is almost legendary. It is said that in a few years, the air in South Dakota will be like the air in Los Angeles.

South Dakota's newly elected governor William Janklow is one of the most fervent instruments of that kind of development in the United States. Janklow achieved notoriety as state's attorney general for the role he played in prosecution of AIM members and supporters over the past six years. Among the first things he did in office was to abolish the state's department of environmental protection and to organize the state agencies into a development priority. That kind of mandate is especially destructive to people living in Western South Dakota where most of the (non-Indian) people hold title to land which does not include title to mineral rights. Mineral rights are held by an agency of government, and South Dakota is moving rapidly to lease those rights to multinational corporations.

Twenty four multinational corporations have prospecting leases from the state covering over one million acres of land. Corporations already own an additional 169,000 acres in the Black hills, and these are considered minimum figures. The mining leases allow prospectors to come on to peoples' lands and to drill for minerals without the landowners' permission, and the landowners who have experienced such intrusions of their lands are not happy about it.

Janklow has a special place in his programs for Native people. He appointed Jeremiah Murphy to the head of the South Dakota parole program. Murphy is also a top lobyist for Union Carbide in the South Dakota legislature. He is widely believed to be one of the people most responsible for keeping Russell Means in jail. Means has been an outspoken opponent of the proposed development and destruction of the Black Hills.

The issue of mining the Black Hills centers ultimately on the most precious resource – water. Modern mining technology requires a lot of water. A Tennessee Valley Authority uranium mining project in the Craven Canyon area of the Black Hills, for examole, will use an estimated 675 gallons of water per minute for the life of the mine. The water is pumped out of the aquifer to keep the mineshaft dry.

Water for these mining ventures will come from the Fall River and Lakota aquifers which flow through the Pine Ridge Reservation. Some of the technologies employed are new and are considered potentially unsafe. *In situ* mining of uranium ore, for example, is becoming increasingly controversial. In that process, five holes are drilled – one main hole in the middle of four corner holes. Water which contains chemicals – sulfuric acid, hydrogen peroxide or tohers, depending on what the uranium is embeded in – is forced under pressure into the aquifer, breaking up the ore and allowing it to be drawn to the surface. The uranium is separated out, and the by-products of the process are discarded back into the aquifer. Although the process is pronounced safe by the corporations, natural metals in the ground such as lead, boxite and others, are activated in the process and it is believed that these metals, which are dangerous to animal life, are allowed to migrate through the aquifer and into drinking waters. All in all, energy development in the region will eventually consume 2,800,000 acre feet of water. According to geologists, that amout of water will last only 30 years. At the end of that time, there will be no water in exploitable amounts. That is what is meant by an "energy sacrifice area." In 30 years, the region will be polluted, its aquifers pumped dry. It will be a desert.

Political and mining developments go hand in hand this endangered region, and Native people have already felt the brunt of that fact. One of the participants, Bruce Ellison, pointed to the impact that development has already had on an unsuspecting Native people:

"... the federal government came in very hard (in Pine Ridge) in the summer of 1975. ... There was an extensive Bureau of Indian Affairs study going on on the Pine Ridge reservation at that time, [investigating] the mineral resources on Pine Ridge. The day the FBI attacked a group of people at Oglala, o... June 26, 1975, the tribal chairman, Dick Wilson, was engaged in negotiations with the federal government, the National Park Service, and an area known as the Sheep Mountain bombing range was turned over to the National Park Service. One-eighth of the reservation was removed from the people of Pine Ridge and turned over to the federal government. And about a year later when this BIA study came out, one of the things that people learned was that Sheep Mountain bombing area contains a deposit of high grade uranium ore – which the tribe now doesn't have any say about – just the National Park Service, as to whether that's strip-mined. Now, maybe it's just a coincidence that that happened on the same day that the FBI went into Pine Ridge, but I remember people telling me shortly thereafter that, hey, there's something about these two events that's not just a coincidence.

"People on Pine Ridge [were] saying, 'we don't know what's in that Sheep Mountain bombing range, but there's something that's there, that they want awfully bad, and maybe that's why what happened on that day, happened... that study revealed the fact that the entire Pine Ridge reservation is on the surface; underneath that is a strata that contains oil, and natural gas. And aside from the uranium that's in the Sheep Mountain area, there's also gold. There's also millions and millions and millions of dollars worth of gravel... I bring that up because we have to look at a total context here. The only people that were talking in the early 1970s, and utnil recently, about really protecting the resources in this area, were the Indian population."

The list of corporations now moving into the area is long. The Tennessee Valley Authority is there, as are Union Carbide, Gulf, EXXON, Wyoming Minerals (owned by Westinghouse), Mobil, Endicott Copper, Nokota Company, John Mansfield, Cyprus Exploration, International Nickel, Power Resources (these three owned by ITT), Minerals Exploration, Century Mining, Kerr McGee, American Copper, Chevron, Natrona Service, Energy Resources, Energy Transportation System (these three owned by Bechtel) Peter Kewitt, Rio Agum, M & N Iron Co., Pittsburgh Pacific, Colorado Fuel and Iron, United Nuclear Homestake, Western Geophysical, and Shell.

To begin to combat that kind of invasion, the Black Hills Alliance determined that the need is to loby people, not politicians. Working committees were organized to address areas of need in research and documentation, litigation, communication, education, fund-raising and mobilization. A follow-up national mobilization effort called the July Action has been scheduled for July 6, 7, and 8 in the Black Hills for the purpose of educating people about the issue of low-level radiation.

Plans were announced for a Black Hills Survival Fair, to be held in the Spring of 1980, to bring together from all over the hemisphere those groups and individuals organized around alternatives to extinction – food co-ops, alternative healing, back-to-land groups – all the organizations which have a future life as a common goal.

CONTACT:
BLACK HILL ALLIANCE
P.O. Box 3508
Rapid City, S.D. 57707
Tel: 605-342-5127

SOME PARTING NOTES

The Environmental Protection Agency announced on March 1 that it was envoking its emergency powers and banning the use of herbicide agent 2,4,5-T for most uses. An estimated seven million pounds of the chemical have been used each year in recent years. 2,4,5-T rose to fame as an ingredient of Agent Orange, which the U.S. used in controversial chemical warfare operations in Vietnam.

On January 2, 1979, the Bureau of Indian affairs dropped its requirement that persons who trade with Indians obtain special permits for the sale of firearms. Eugene F. Suarez Sr., head of the BIA's law enforcement division said that he thought that the regulation was obsolete. And so, today, it is now legal to sell guns and ammunition to Indians, without a permit even.

The two-million member Mormon Church is the wealthiest church in the U.S., with income from investments exceeding those from the much larger Catholic Church. The Church also has vast holdings in America's energy corporations. The Southwest contains, it is estimated, billions of dollars worth of coal, gas, oil, uranium and other mineral wealth. Mormon law firms were instrumental in gaining passage thirty years ago of the U.S. Indian Claims Commission Act, an act which has extinguished title to millions of acres of Indian land, much of which is known to contain valuable natural resources. Mormon law firms have been among the principal beneficiaries of this act, reaping millions in lawyers' fees for their work. The Mormon child placement service has an active policy to remove Native children from their communities and to baptise them into the Church. An unusual number of Mormons, it is said, occupy high places in the BIA and other governmental agencies which desl with Indians, including law enforcement agencies. And the Mormon loby was successful in gaining exception from the recently-passed Indian Child Welfare Act. In short, the Church is quite capable of taking care of its interests, and its interests are many.

The American Indian Movement will hold the Fifth Annual International Indian Treaty Conference at Big Mountain in the former Navajo-Hopi Joint Use Area from June 18 – 22, 1979. AIM member Larry Anderson said the Big Moutntain residents have voted and agreed to hold the conference in their area "right out in the open." Topics to be discussed, one can be certain, are the protection of resources, the situation of all political prisoners, education for survival, and treaty issues. Anderson added that he is keeping Navajo Tribal officials notified about the conference and preparations, and that he hopes that the tribe will contribute financially to the conference.

The Hunkpapa Treaty Council and the Landowners Association on the Standing Rock Reservation have charged that BIA policies discriminate against the poorer Indians on this North Dakota reservation. Reginald Birdhouse of the HTC and Joseph Walker stated in a letter to Secretary of Interior Cecil Andrus that the poor are doled our small amounts on welfare subsistence, programs, are forced to borrow in advance on their lease rentals, are harrassed in the low rent housing areas and are forced to subsidize wealthy ranchers which they have done at the rate of almost $1 for the past two years. The wealthy of the reservatioon, who wear silk suits, own two to three automobiles, vacation in Hawaii, Spain and California, and own two homes, are almost the only ones allowed to purchase... lands at below the appraised value. They and their relatives get the "status" jobs, their requests for land transactions are processed promptly and they generally get their way, the complaint stated.

VOICES FROM THE EARTH –

another form of com unicating from AKWESASNE NOTES

THE TRAVELLING GROUP & SPEAKER'S BUREAU

VOICES FROM THE EARTH is a verbal and multi-media form of communication The concept of VOICES is to be an extension of the newspaper – of going out and making personal contact with the people inhabiting Turtle Island, and transmitting the messages of the Native People of this land.

Since our beginning (as the White Roots of Peacs) we have logged over 400,000 miles and met thousands of people. We visit universities, colleges, prisons, and communities, speaking to both Native and non-Native Peoples.

We are beginning the planning for our Fall 1978 trip. We will be focusing on the East – Vermont, New Hampshire, Maine, Massachusetts, Connecticut, New York, Pennsylvania, Maryland, Virginia, Washington D.C., and North CArolina, but we are open to possible visits in other nearby states. We need persons or organizations willing to organize a visit by our group During such a visit we have people available to present lectures to classes or conduct workshops and seminars. We carry films and slide shows for viewing, and we have a crafts and books display The close of a visit is with an Iroquois-style sSocial Dance for audience participation.

From the Speaker's Bureau we have NOTES staff personel, as well as such persons as Tom Porter and Jake Swamp (from the Mohawk Nation,) Dan Bomberry, Executive Director of T.S.P., Bruce Elija from the Oneida Nation, Artley Skenandore Jr., from the Oneidas of Wisconsin (and active in AIM.) as well as other persons we can draw on for special sessions or topics.

For more information regarding honoraria, scheduling, or other information, contact: Mike Myers – Voices From the Earth, P.O. Box 103, Owl's Head, New York 12969 or call (518) 483-2540.

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LETTERS

Notes:

The Huichol people of northcentral Mexico, one of the world's oldest ongoing tribal cultures, report that their collisions with cattle and timber interests have reached a critical stage. A further problem is that the Mexican government has apparently chosen not to protect Huichol interests.

About 8,000 Huichol Indians are presently living in widely scattered villages throughout the Sierra Madre Occidental Mountain range of Mexico. Most of them live within the boundaries of Jalisco, Nayarit, Durango and Zacatecas. Their communal land title was originally granted by the Spanish crown in the 18th century. Since that time the land title of the Huichols has been recognized by the Federal Government of Mexico.

During the past year however, Huichols have been victimized by Mexican cattlemen and timber companies. Illegal use of their lands by outsiders has increased to an intolerable level and Huichol dissatisfaction has become national news. Human rights are also being violated. Instead of defending Huichol land against invaders, Mexican authorities have either remained indifferent or have sided with the intruders against the Indians.

Attempts to defend their territory against invaders have been met by police harassment and intimidation. Many Huichols have been jailed or illegally fined simply for trying to assert their legal rights. Some of them are still in jail after months of imprisonment.

The apparent failure to enforce Huichol rights reflects a familiar alliance between government officials and private industry. For example, Cuauhtemoc Cardenas, the undersecretary of Faunal and Forest Resources is a close relative of the owner of a Michoacan based timber company now operating on Huichol land. A spokesman for Cardenas, Engineer Ortega, has claimed that this is merely a problem regarding boundaries. Huichols regard it as a pretext to invade their forests for cutting timber. Despite a recent mandate to settle the problem delivered by the President of Mexico, it remains a potentially explosive issue which imperils the future of this beleagured people.

This information is based on personal reports from the tribe as well as from recent news articles from El Informador, March 13, 1979, Ocho Columnas, March 13, 1979, and Excelsior, March 13, 1979.

Jay Fikes
Ann Arbor, Michigan

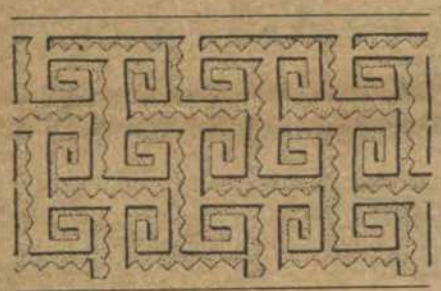
Notes:

I still enjoy your paper very much, but have less time to read, and re-read it. I did not see anything about the United Nation's Treaty banning Genocide in NOTES. We have written petitions for the treaty to our Congressmen. One is thinking in favor of it, (President Carter is in favor of it), but one is opposed because it puts International Law over U.S. Sovereign Laws (to commit genocide?)

This is to be brought before the Senate early this year, Senator Nunn says. People need to know. If it is passed, the Red Race may have more chance of getting its sovereign rights and treaty rights restored.

Mrs. Doris Stevenson
Albany, Georgia

The United States seems to be taking the position that as long as there is no U.S. recognition of an international definition of genocide, then the U.S. cannot be accused of the crime of genocide. That seems to be the more logical reason that the U.S. refuses to sign international compacts against genocide.



Notes:

We don't know where to write or how to help in this situation of Ache death camps. We are asking you to do tdo two things. Send the attached protest letter to wherever it will do the most good. ThThen write and tell us where and what to do about further protest on this. Thank you.

Lois Pera
Milwaukee, Wisconsin

The outrage in Paraguay is certainly collaborated upon within the U.S. State Department, from our information. U.S. people should be offended that their tax dollars is directed to support a regime in South America which has Paraguay's pattern of behavior and callousness towards human life. We sent your letter to President Carter (who we're sure will ignore it) but we think that if even a few people were to bring the situation to the attention of people such as Sen. Kennedy, perhaps the matter could be read into the Congressional Record along with a request that a real investigation into Paraguay's record on human rights be conducted by someone other than the U.S. State Department.

Notes:

My name is Frank Shomin. I write to inform you that at the present time, there is a lawsuit against my wife, Vivian Shomin. In the suit we are arguing against the Citizenship Act of 1924.

We have the Affirmation of Sovereignty; the Longest Walk Manifesto, which state that the American Indian protested the Citizenship Act of 1924. I also have the Mexican Protest. I forget which year this was written in.

Can your offices send us some additional evidence to help us prove we are not citizens? We are full-blood Ottawa (or "Odawa") Indians of Michigan.

Frank L. Shomin
240 Straight Street N.W.
Grand Rapids, Mich 49504

The question of whether or not Native people are U.S. citizens is a complex one which leads to the question of "for what purpose?" Perhaps some of our readers could respond to your request.

Notes:

The radiation problem is all too true and sad. Being an environmentalist I can well understand the problem, but also being a CETA worker there's not too much I as an individual can do to make them realize that they are playing Russian Roulet with all our lives. One word of advise. Kelp (a form of seaweed) is good to counter the radiation effects. The Japanese ate large quantities of kelp to help with internal bleeding problems after the war. I

Is there some law that Indians have to live on reservations? I sure wish some would move back here again.

Marie Garrity
Noufoundland, Penn.

Notes:

For a long time we have supported the Native peoples and other Nations and peoples of the world. We have a fight for existence in our country, as well.

Our people, our part of the world have a long history of Christian missionaries, various ignorant people using our land and people for profit.

Today we are facing the same people in multi-national corporations, politicians, US government, McDonalds, etc., who in different ways are exploiting our land and people. For many years, hundreds of years, they have brainwashed us.

Our main struggle today is nuclear, with nuclear plants. People of Sweden are signing petitions for voting for or against nuclear. This is not only a danger for us, nuclear is a weapen which threatens the peoples of the world. We demand life for our children, for the future generations.

We here and now ask you to send letters to the closest Swedish Embassy in your part of the world in support of our struggle against nuclear and that the peoples of Sweden will at least be given an opportunity to vote for or against!

We hope for your support and solidarity! In the struggle for a better world!

Kjell Eriksson
Helene Berteus-Forslund
Ulla Bernhardsdotter-Backsin
Goteborg, Sweden

Notes:

I have formed a deep interest for Native rights and I have contacted the representatives of an AIM support group in Hamburg, Germany, but I feel I would benefit by establishing some direct contacts with individual Native people, and would welcome letters from prisoners and anyone else willing to overlook my rather imperfect English.

Ranate Maassen
Lichtenbroicher Weg 3
4000 Dusseldorf 30
West Germany

Notes:

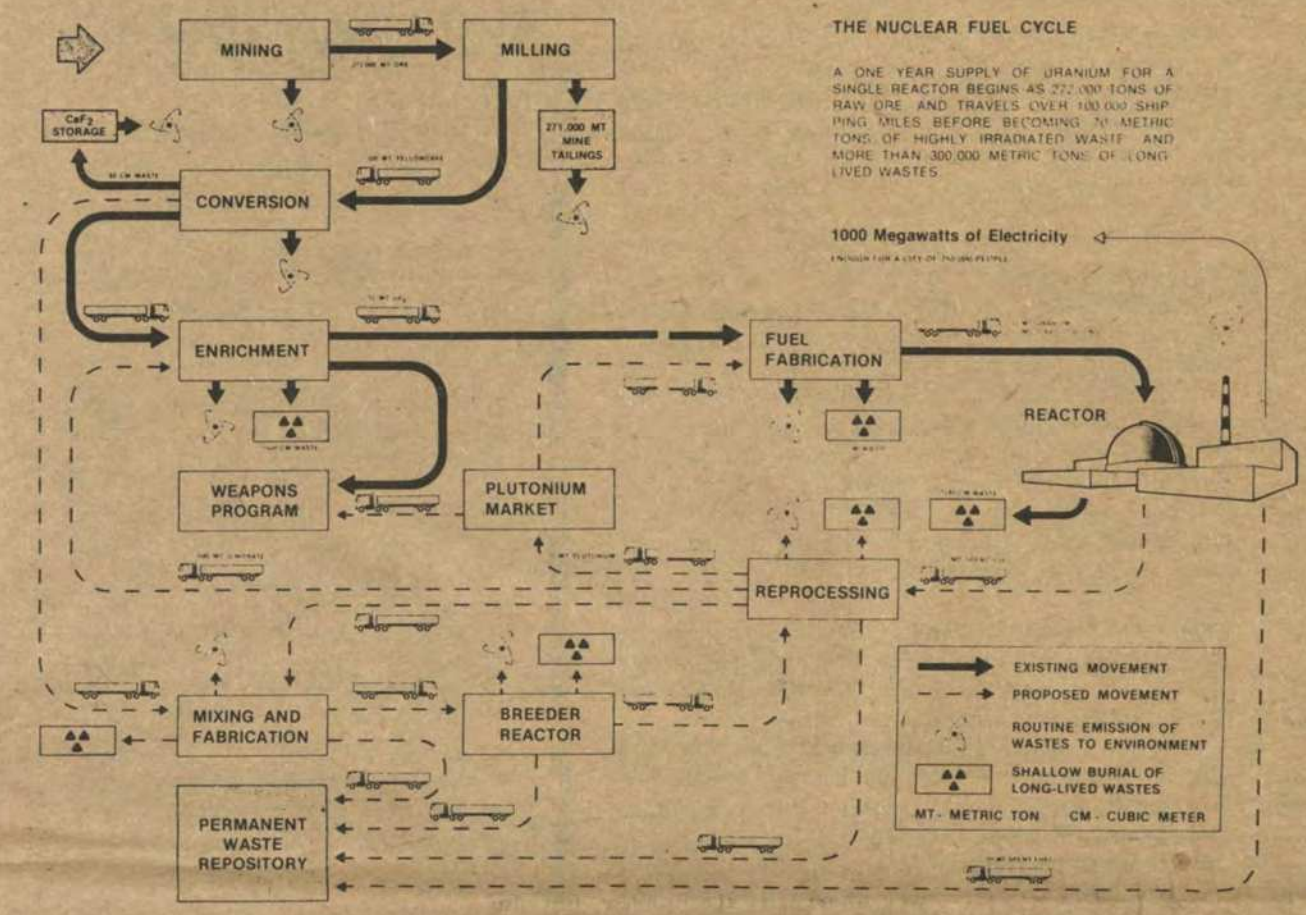
My daughter had AKWESASNE NOTES sent to me. I read the paper with alternating distress and anger. Occasionally there is something to warm the heart – such as your reports of conferences between separated Native peoples.

The late winter issue with the several uranium mining articles made me t tthink that a letter-writing campaign by your readers, addressed to the oil and power companies, might bring some results. The tarnished public image is what no company wants.

Perhaps if you published mail addresses for the big despoilers and ask readers to choose three companies for a letter, outlining their shameful Indian policies, some people would write.

Gertrude Espenscheid
Flemington, New Jersey

BOOK REVIEWS



"Shutdown – Nuclear Power on Trial," edited by Matther McClure, published by The Book Publishing Company, 56 Drakes Lane, Summertown, Tennessee 38438. Paperback, 192 pages, $4.95.

A book composed largely of testimony at a preliminary evidentiary hearing would not generally be expected to be a very exciting or even interesting prospect. But this book is different, because the people who are testifying are some of the most learned and articulate opponents of the nuclear fuel cycle in the world. The format (a court transcript) may be weak, but the testimony is the clearest and most explicit exposure of the dangers of nuclear power in print. It is also interesting, because the book represents part of the effort to gain an injunction in court against the further operation of nuclear facilities in the U.S. because those installations constitute a violation of civil rights and pose a danger to public health. John W. Gofman, who holds a PhD in Nuclear Chemistry and an MD from the University of California, gives chilling expert testimony about the safety of nuclear installations and the almost impossible problems of containment of cancer-causing by-products of nuclear reactors He states, in part,

"For example, plutonium is handled in great amounts at Rocky Flats, Colorado, and in 1969 they had a big fire there, and there was some concern about how much plutonium had gotten out.

And the Atomic Energy reports were that no more than a milligram of plutonium had gotten out.

Dr. Edward Martell was skeptical about that and went out and measured plutonium outside the plant miles away from the plant and found plutonium on the ground there. Infact, the final estimate he made was about half a pound, which indicated that the Atomic Energy Commission had underestimated the escape of plutonium by two hundred thousand times..."

"...They were machining plutonium in this plant, and they had some plutonium left over from the machining and they would be putting them in barrels of oil to store until some later date that they would be able to reprocess and get the plutonium back. But momentarily in the Rocky Flats plant they didn't have the facility to do that, so they stored the barrels in an area called the 903 Area at Rocky Flats out in the open.

And finally they had approximately five thousand five hundred barrels stored there, and barrels have a notorious capacity of rusting, and about a fourth of the barrels did rust out, and the plutonium and all leaded into the ground, and then the plutonium was available as particles on the ground attached to soil particles, and that area is characterized sometimes by winds in the forty to seventy mile an hour region, and the winds picked up the plutonium particles, and that's how half a pound at least got moved off site nearly all the way to Denver."

Dr. Gofman goes on to state, among many other things, that water-borne plutonium, which has been presented as relatively safe (as compared to air-borne plutonium,) may prove to be at least as dangerous as air-borne plutonium, that whether you breathe the plutonium from the air or ingest it as a result of eating a plant that has absorbed it, plutonium is a deadly substance in the human body.

The book is clear and easy to read, and lays out the argument against the nuclear fuel industry in a detail which has not yet reached the straight press, even following the Harrisburg incident. High school people will be able to understand the message. Highly recommended reading for people interested in the future of life on this planet.

BOOKSBOOKS

SKILLS & HOW TO

Indian Summer, by ADolf Hungry Wolf. A Good Medicine Book. $6.00.

Indian Tipi, by Laubin. Guide to building and living in this versatile structure. $1.95.

Intro to the Handbook of American Indian Languages, by Franz Boas and J.W. Powell. Indian languages and linguistic families of North America. $2.45.

Legends Told By the Old People, by Adolf Hungry Wolf. A Good Medicine book. $3.00.

Life in Harmony with Nature, by Adolf Hungry Wolf. A Good Medicine book. $2.00.

Natural Remedies for Better Health, by Dr. Ingrid Sherman. Advice that will help prevent the coming of sickness. $2.95.

North American Indian Arts, by Andrew Hunter Whiteford. $1.95.

Primitive Art, by Franz Boas. More than 323 photos, drawings and diagrams. Valuable to the working artist and designer. $3.50.

Pole Building Construction, by Merrilees & Loveday. People at Akwesasne Notes are just completing two buildings using the ideas of this book. $4.95.

Pomo Basket Making, by Elsie Allen. Supreme Art for the weaver. $2.50.

Traditional Dress, by Adolf Hungry Wolf. $3.00.

Wild Edible Fruits and Berries, by Furlong and Pill. $3.95.

Working With Wool, by Noel Bennett and Tina Bighorse. How to weave a Navajo rug. $4.95.

Where There is No Doctor Well illustrated guide to home medical problems and practices $5.50

Shelters, Shacks, and Shanties, by D.C. Beard. How to construct your shelter in the woods using only the materials on hand. $3.95.

BOOKSBOOKS

BOOK REVIEWS

Energy Bibliography, Dorothy Barnouw, published by The National Intervenors, 1413 K. Street, N.W., Washington, D.C. 20005, paperback, 60 pp, $2.00.

This 60-page book lists and *annotates* over 150 books on nuclear power and related issues; over 50 books and studies on solar energy, over 80 environmental journals, addresses and prices, and over 125 organizations to write to for further information. Intended as a guide for the general reader, the annotations and lists serve as an introduction to the issues, people, journals and organizations involved in the nuclear power controversy and the search for alternative energy systems.

Nobel laureate, Dr. George Wald, in a four-page introduction, summarizes the multiplicity of issues involved in energy decisions – the short and long term problems with nuclear power, the need for energy conservation, the involvement of energy companies and agencies in weapons procurement, "the necessity for full employment."

Dr. Wald's introduction is hard-hitting, and to the point:

"The third trouble with nuclear power involves the disposal of nuclear wastes. No one yet knows what to do with them. They remain radioactive for upwards of 100,000 years.. The whole of civilization has lasted hardly more than 10,000 years. The half-life of plutonium 239, however, is 24,400 years. After that time has passed, half the plutonium is still there; after 49,000 years, *one quarter the plutonium is left*; after 73,000 years one eighth the plutonium remains. That is still too much plutonium to live with... One plan is to bury the entire plant, and then stand guard over its tomb – for how long? After a century it is still dangerous. We are now one of the oldest governments in existence – two centuries old. How long are we prepared to keep guards posted over the tombs of how many nuclear plants?"

And:

"For a time the Industrial Revolution promised humanity endless leisure and abundance. Then, about a century ago, it began to turn devastating and live-threatening. Three billion years of life on this planet, three million years of man-like creatures, some ten thousand years of civilization; and then a mere two hundred years of the Industrial Revolution has brought us to the brink of the extinction of our species and made precarious much of the rest of life on Earth."

And:

"Nuclear fallout is forever. Nuclear pollution is forever. Nuclear wastes are forever."

And who do you suppose is responsible for the production of Hydrogen bombs in the U.S.? Why ERDA – the Energy Research and Development Administration – the same people who are supposed to be developing solar, wind, geothermal and tidal power alternatives, of course.

The book summaries are an education in themselves. Listed alphabetically by author This little book is almost indispensible to the serious student of the nuclear fuel cycle and the nuclear power industry. With ten pages of listings of solar energy advocate organizations, and books on solar and wood heat, wind power, and energy efficient building construction.

From Massacres to Mining – The Colonization of Aboriginal Australia, by Janine Roberts, published by Colonialism and Indigenous Minorities Research and Action (CIMRA) 5 Caledonian Road, London N1, and War on Want, 467 Caledonian Road, London N7 9Be, 1978, London, England 212 pp., paperback, 1.99 pounds.

This is a book about the history of the Australian Aborigines leading to their present struggle against multinational uranium, oil and mineral interests. It is a familiar story to students of the process of the genocide of natural peoples, one which dutifully outlines the period of the massacres, the role of the missionaries, the racism of the Australian governments. The book is carefully documented and well-written, and carries an inherent global overview which is refreshing in a publication which attempts to talk to the rights of Native peoples. Chapter 197 begins:

"Rio Tinto Zinc is the world's largest mining company. Its Australian operations provide by far the largest part of its profits – in 1977 over six times its profits from Southern Africa and twice the profits from Canada.

R.T.Z. is London-based. Its mining operations and wealth are centered on the old British Empire, now contracted back to the white-settler controlled 'dominions' of Australia, South Africa, and Canada.

Since all these countries have indigenous inhabitants who were violently dispossessed by British settlers, and who are now *trying to regain control over at least some* of their land, the issue of Aboriginal land rights is an immediate concern and threat to the company."

The book paints a picture of the Austrailian government as an oppressive regime under which protest against the uranium industry is practically outlawed by law brings a $10,000 fine and a one year jail sentence, and anyone who reveals information on how uranium mining will affect Aborigines can be fined $1,000 and sent to jail for six months. Revealing the secret regulations governing the nuclear industry, the book says, brings 5 years in jail, and the army can be brought in to break up strikes.

The chapter headings summarize the content of the book – "Genocidal attitudes"; "Aboriginal resistance – and the massacres."; "Women enslaved;" "The Mission-reserves."; "The Development of the Assimilation policy."; "The Natural People, land rights and apartheid."; "Shell takes all from Aurokun."; "Uranium and Aboriginal laand."; "The on-going oppression," to name a few. It's an appalling story. It's a true story.

BOOKSBOOKS

SKILLS & HOW TO

American Indian Design and Decoration, by LeRoy H. Appleton. 700 illustrations, paperback $5.00.

American Indian Medicines, by Virgil Vogel. Discusses traditional medicines and ways of combating disease. Hardcover, $17.70.

American Indian Needlepoint Design, by Roslyn Epstein Designs for many projects. Paperback, $1.50

Blackfoot Craftworkers Book No 15, by Adolph Hungry Wolf. A Good Medicine Book. Paperback, $3.50.

Authentic Indian Designs, by Maria Naylor, 700 illustrations. Paperback, $6.00

Cherokee Cooklore, by Mary Chiltoskey. $1.25.

Cherokee Plants, by Mary Chiltoskey. $1.50.

Cherokee Words, by Mary Chiltoskey. $1.25.

Craft Manual of Native American Indian Footwear, by George White. Introduction to 25 different styles of footwear. $2.25.

Earth Medicines / Earth Foods, by Weiner Plant remedies, drugs, and natural foods of the American Indian. $4.95.

Full Color American Indian Designs for Needlepoint Rugs, by D. Story. 32 charted plates for easy use $2.00

Games of the North American Indian, by Steward Culin. A most complete work of the games of North American Indians. Paperback, $10.00.

How Indians Used Wild Plants For Food and CrCrafts, by Frances Densmore $2.75.

Indian Basketry, by George Wharton James, with over 250 illustrations. $3.50.

Indian Herbology of North America, by Alma R. Hutchens. $11.00.

Indian Scout Craft and Lore, by Charles Eastman. Description and feelings he developed to become an Indian scout. $2.00.

Indian Sign Language, by William Tomkins. Signs to convey meanings of over 870 words. $1.50.

BOOKSBOOKSBOOKSBOOKSBOOKSBOOKSBO

CHILDREN'S

Cheer Up Old Man, by David Martinson. A story of an old man with a warm heart. Excellent for children. $1.25;.

Coast Salish Arts and Design Coloring Book, by Saanish Cultural Education Center, (B.C.), $3.00.

First Americans Coloring Book, Reflects the many aspects of Lenape life. $1.95.

Glooscap and his Magic, Glooscap and his Magic by Kay Hill. Legends of the Wabanaki Indians Age 9 and up. $3.50

Great Tree and the Longhouse, by Hazel W. Hertzberg. Teaching book on Iroquois culture. $5.80.

Harpoon of the Hunter, by Markoosie. A young boy becomes a man in the Canadian Arctic. $2.95.

Indian Tales, by Jaime D'Angelo. Indian folklore, hunting, adventures, and tall tales by a master story teller. $1.75.

Manibozo and the Bullrushes, by David Martinson. Dancing with shadows. Excellent for children. $1.25.

North American Indians Coloring Book, $1.50.

North American Indian Design Coloring book, by Paul Kennedy. Designed to show the richness of Indian art. $1.50.

Tales From the Igloo, by Maurice Metayer. Twenty-two tales from the Inuit. $3.95.

Tales from the Longhouse of British Columbia, by Indian Children of British Columbia. $1.95.

The Bird in the Sugarbush, Excellent for children. $1.25.

The Praying Flute, by Tony Shearer. A magical children's story teaches a lesson. $5.00.

Stone Giants & Flying Heads, by Joseph Bruchac. Illustrated by Kahonhes & Clayton Brascoupe. $3.95

HISTORICAL

Apologies to the Iroquois, by Edmund Wilson. Journalist's view of Iroquois communities in the 1960s, with some reflections on the past. $2.95 paperback.

Book of the Hopi by Frank Waters. The first revelation of the Hopi's historical and religious world-view of life. $1.95.

Bury My Heart At Wounded Knee, by Dee Brown. A true history of the west. $2.50.

Canadian Indian, by E. Palmer Patterson II. A history since 1500. $3.00.

Crazy Horse, A University of Nebraska book. $2.95.

Custer Died for your Sins, by Vine Deloria. $1.75.

Death and Rebirth of the Seneca Nation, by Anthony F.C. Wallace. An historical book about cultural and religious life. $3.95.

Disinherited, by Dale Van Every. Tragic history of the five civilized tribes. $1.75.

Geronimo, by S.M. Barrett. Autobiography of a great patriot warrior. $1.95.

Great Upon the Mountain, by Vinson Brown. A biography of Crazy Horse. $6.95.

History of the Five Indian Nations, by Cadwallader Colden. $2.95.

Indian Heritage of America, by Alvin M. Josephy, Jr.. A history of Indians of North, South, and Central America. $1.95.

Indian Live in the Upper Great Lakes, by George Quimby. $2.95.

Indians of the Americas,s by John Collier. From prehistory to the present.

Indians of North America, by Harold Driver. $7.95.

Indians of the North Pacific, by Tom McFeat. $3.95.

Indians of the Northwest Coast, by philip Drucker. $2.95.

Indians of the Pacific Northwest, by Vine Deloria, Jr.. From the coming of the white man to the present day. $6.95.

Indians of the Western Great Lakes, by W. Vernon Kinietz. Based on letters and journals of European traders, missionaries, and officials who visited the Miami, Ottawa, Pottawatomi, and Chippewa before contact. $2.95.

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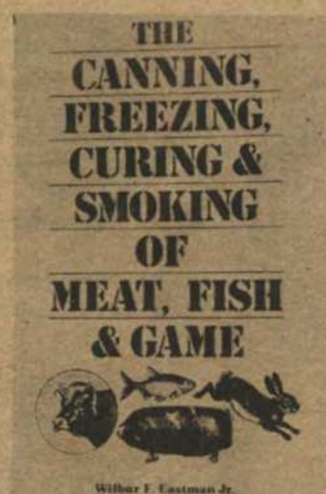

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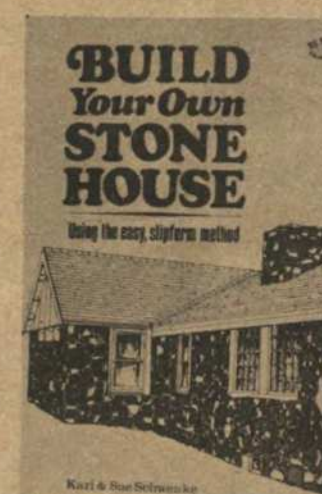

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POETRY

NNIGHT SONG

The dreams that you taught me
Are tangled in briar
Are caught in the shadows
Like a fox in a trap
Leaving behind them
The songs of your brothers
Never-Got-Shot, Standing-Among-Men, Screaming-On-High

The songs of your brothers
Play in the rivers
Die in the rivers
Like a fish on a spear
Leaving behind them
The warrior echoes
Never-Got-Shot, Standing-Among-Men, Screaming-On-High

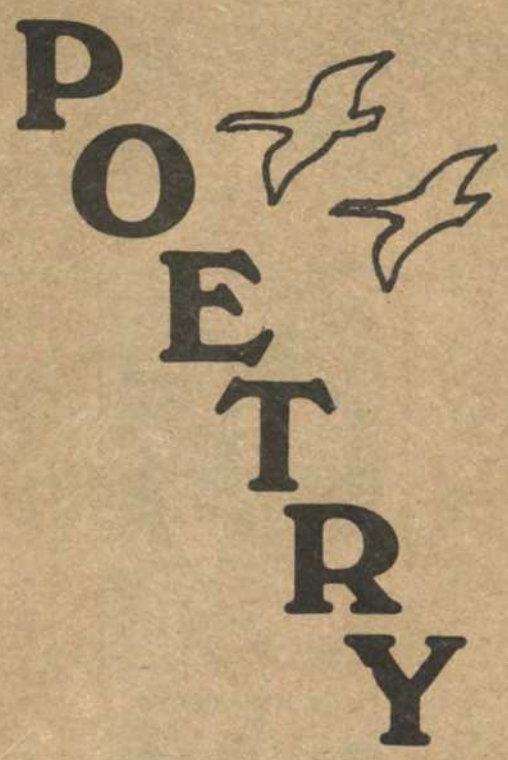
The warrior echoes
Sift through the desert
Cold as a cactus
In winter moonrise
Leaving behind them
The Dreams that you taught me
Never-Got-Shot, Standing-Among Men, Screaming-On-Hig

Ellen Stone

THE SILENT RUNNERS

The silent runners fill their heads with empty thoughts
A bleak and dark scenery speeds by
Hopeless youths with two out of twenty miles to go
A silent unspoken glory
No one would believe it, if they saw they would
Legs cramped from cold, hands stiff
A different kind of pain
Two one mile tunnels, hoods, dropouts
Leftouts run without rest.
Car exhaust fills their lungs and their minds
But not their hearts
Oblivious to the singing and drumming.
Their hearts soar, their legs pump life
They have no need for anyone.
They are no longer young or old, they speed on and on –
Until the end, they slow down, the wind stops, hearts pounding
Lungs aching, brains fuzzy
The runners rest, doubled over, now all the same again.
Now only a memory of being
THE SILENT RUNNERS

Peggy Peters.



RED SOVEREIGNTY

There was Government here
When we came.

There were Nations united
By Reason and Common Need.

There was Law
In the Eastern Forest
That some say
Influenced our own.
If it did, or did not –
Does it matter?

It stood
On its merits
Alone.

There was Government here
When we came.

There were tongues
That sang Wisdom and Truth...
And Dreams that transcended
Our own...

Tree of Peach
With Roots ever-growing
Longing for all Creation...

Homes that were open
To strangers...
Hearts that were willing to share.

THE CALLED THEMSELVES
SOVEREIGN NATIONS.

We called them dependent –
No matter.

They knew who they were

Their Earth-loving Fires
Preceded... outlasted
Our own.

The League that was broken
Will heal.

The ember will burst
Into flame

The Ancient Dream Universal
How hidden by Tears of Distrust,
Will again open
Hearts meant to share.

THEY CALL THEMSELVES
SOVEREIGN NATIONS.

We call them dependent –
No matter.

They know who they are.

They were here when we came.

THEIR EARTH-LOVING FIRES
MAY YET
REKINDLE
OUR OWN

Nanice Romero

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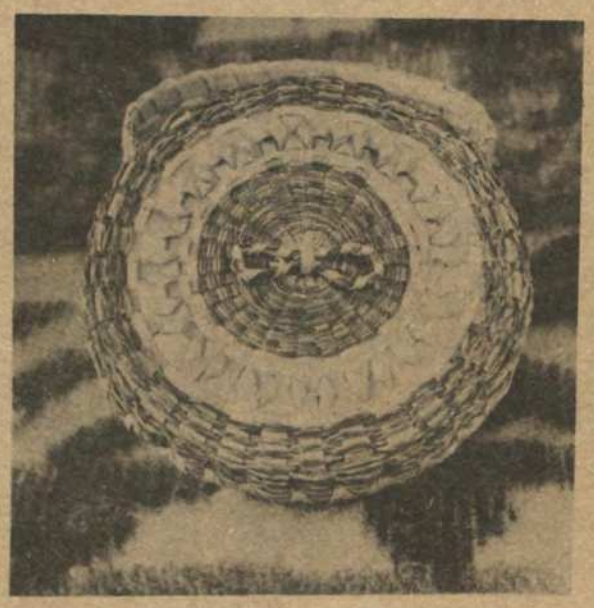

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